OXFORD PAMPHLETS ON HOME AFFAIRS
No. H.6

ENGLISH LAW

BY

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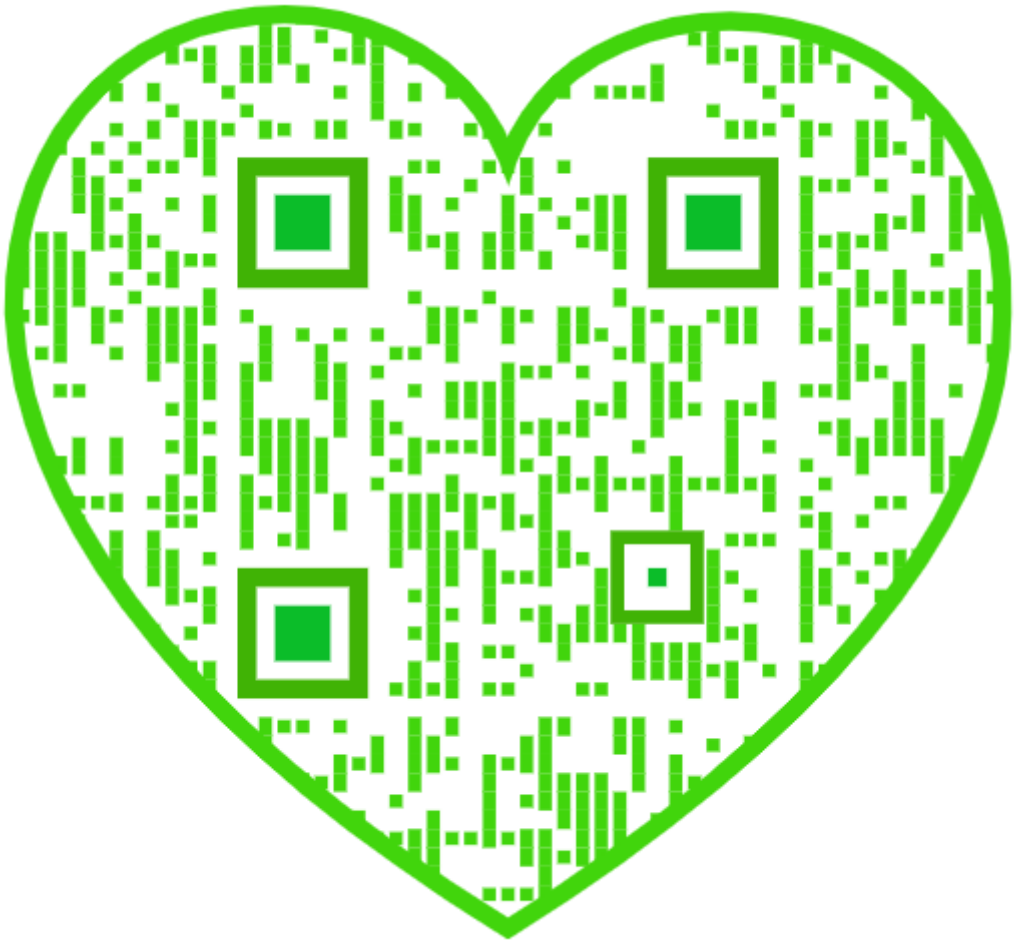
OXFORD UNIVERSITY PRESS
LONDON: HUMPHREY MILFORD



The word 'law' has many different meanings. When we speak of 'breaking the law', or of a bill becoming 'law', we are thinking of a set of rules, written down somewhere, that are binding on the whole community; of *legislation* and *statutes*. When we speak of a 'point of law', we are thinking of the *interpretation* of one of these rules, its application to a particular *case*. When Hamlet complained of 'the law's delay' he meant *litigation*. When the Lord Chancellor in *Iolanthe* sings, 'The law is the true embodiment of everything that's excellent' he is of course referring to the *legal profession*.

In this pamphlet Professor Brierly (Professor of International Law at Oxford, and author of *The Law of Nations*) deals with all these different meanings of the word. He shows how 'the law of the land' has grown out of custom and precedent and the enactments of Parliament. He describes the administration of the law in the various courts, civil and criminal, and the functions of Judges and Magistrates, Barristers and Solicitors. He also examines some of the criticisms of our law—especially the complication, lengthiness, and cost of its procedure—and some of the reforms that have been proposed.

SUGGESTIONS FOR FURTHER READING

GELDART, W. M., *Elements of English Law*, revised by W. S. HOLDSWORTH ('Home University Library').

MULLINS, C., *In Quest of Justice* (John Murray)

RADCLIFFE, G. R. Y., and CROSS, G., *The English Legal System* (Butterworth & Co.).

VINOGRADOFF, P., *Common Sense in Law* ('Home University Library').

First published June 1943
Reprinted with corrections September 1943
Reprinted in India December 1944

Printed in India at the Diocesan Press, Madras
and published by
THE OXFORD UNIVERSITY PRESS, *Amen House, E.C.4.*
LONDON EDINBURGH GLASGOW NEW YORK TORONTO
MELBOURNE CAPETOWN BOMBAY CALCUTTA MADRAS
HUMPHREY MILFORD *Publisher to the University*

ENGLISH LAW

LIKE most English institutions, our law is best understood by examining the way in which it has grown, for its distinctive character is largely due to the continuity of its development. Our law to-day is the result of a process of growth which extends over a period of about eight centuries, and in all this long history there has never been anything like a real legal revolution leading to a thorough recasting of the system. In particular we never had in our legal history any event comparable to one that altered the current of legal development in many countries of Europe towards the end of the Middle Ages, the so-called 'Reception' of Roman Law. Where this 'Reception' took place, and notably in Germany, the courts discarded their traditional native customary laws, and introduced in their place the laws of the ancient Roman Empire which medieval legal scholars had adapted to the requirements of a later age. The motives for this change were partly social—Roman Law was the law of a highly civilized society, and it therefore provided a ready-made way of meeting the new economic needs which were beginning to be felt in Europe at this time; but they were also partly political, for Roman Law exalted the idea of the state as against the individual, and it therefore commended itself to the governing circles, ecclesiastical and lay, in the countries which received it. Happily this movement did not extend to England; and so far from exalting the state over the individual, our law has done exactly the reverse. We stood too much on the outer fringes of European civilization to be much affected by the attraction of the more advanced foreign law, and when it began

to be felt our native law had struck deep roots into the life of the nation and become too strong to be driven out.

One result of this contrast between the histories of our own and of Continental systems was to divide the course of western European legal development into two main streams, Roman and English. For English Law is not the law of England only;[1] it is the basis of the law of all those vast areas of the world, in the Empire and the United States, into which Englishmen have carried it when they have migrated overseas. Another, less fortunate, result is that English Law, never having had occasion for a thorough overhaul, has retained many archaic forms and terms, sometimes with a new significance which justifies their survival, but sometimes too after they have ceased to have anything but venerable age to commend them. Hence it contains some dead wood, and, what is more serious, some noxious growths which a less conservatively-minded people would long ago have rooted out, and these are defects about which Englishmen, and English lawyers in particular, are apt to be too complacent. But they are defects which would be remediable if interest in legal reform were keener than it is, and they do not seriously impair the title of English Law to rank as one of the great achievements of the human intellect.

The Common Law

The fabric of our law has been woven out of three separate strands, Common Law, Equity, and Statute. Common Law is much the oldest of these, for the name

[1] But it is not the law of Scotland. Much modern statutory law is common to England and Scotland, but the basis of Scots law is an indigenous system which has been much influenced by Roman Law, though no actual 'reception' of Roman Law took place in Scotland.

takes us back to a time before a centralized system of justice, any law 'common' to the whole country, existed. It reminds us of a time when the courts were local bodies, courts of shires, of hundreds, of boroughs, or of feudal lords, and when the law that these courts administered consisted of the customs that tradition had handed down in a particular part of the country. But in the reign of Henry II (1154-89) the judges of the King began to displace these local jurisdictions; they could offer justice which was better than that of the old local courts, and they went round the country, on what we should now call *Assizes*, applying a law which, instead of differing in different places, was uniform or 'common'. In theory these judges were merely declaring what had always been the law; they were not, at any rate not expressly, empowered to make new law, but in fact that is what they were doing. For in choosing the rules that they would apply they had a wide discretion. They could draw on a store of customary rules, English and Norman; they could go to Roman Law, with which as churchmen they were often familiar through the Canon Law; or they could simply rely on their own practical sense of what the occasion demanded. Lawyers sometimes still speak of the Common Law as something to be found only *in gremio judicum*, 'in the bosom of judges', and the phrase exactly describes its origin, though it is an affectation to apply it to the modern law.

We know however that from quite an early date this freedom of the judges began to be limited by the practice of treating 'precedents' as 'authorities', which means that when a point of law has been decided in one way by a court, other courts of equal or inferior authority should

decide it in the same way when similar facts come before them. We shall see that this practice is the foundation of our modern system of Case Law, but though the origins are so ancient, we must not suppose that the special and very strict rules that we follow to day are so too ; they are in fact quite modern. One condition which must be satisfied before it is possible to follow precedents in a systematic way is that it should be easy to refer to the reports of previous cases, and it is from the reign of Edward I (1272-1307) that the earliest law reports have come down to us. Edward's reign too was a period of very active legislative changes in the law, which led to a more definite conception of the function of the judges in relation to the making of law ; it may be taken as settled ever since then that though judges may develop the law from case to case, it is not for them to introduce new principles not deducible from previous cases ; that is for the legislative branch of government, which in our Constitution is Parliament.

These developments put a brake on the pace of Common Law expansion, and there were other causes, too technical to be entered into here, which by the fifteenth century had caused a process of ossification to set in. There was a danger that our law would be found incapable of providing for the growing needs of a society emerging from the Middle Ages into the modern era. It was to meet these needs that Equity, the second of the elements of which English Law is made up, came into existence.

Equity

The courts had always been, as they still are, the king's courts, but it had never been laid down that they should be the only channel through which the king

was to exercise his function as the fountain of justice. Hence when a man felt that he could not get 'equity', in the sense of a fair and just redress for his grievance, from the courts of the Common Law, it was natural that he should appeal to the king to grant him by some other process the justice which his own courts were refusing. This practice had long existed, and it had become usual for the king to refer such petitions to the chief of his secretaries, who had the title of Chancellor. The chancellor could not issue orders or prescribe law to the courts of Common Law ; he was not even, as he is to-day, the head of the judicial system ; he was merely an important member of the King's Council who was concerned, though not in the capacity of a judge, with its legal business. He was also generally a bishop, and it was traditionally his function to be the 'Keeper of the King's Conscience' ; as such it was proper for him to see that no injustice was done in the king's name. Accordingly, when a petition seemed to him to be well-founded, he would issue a writ to the person against whom the complaint was made—to someone who was alleged to be using his legal rights unconscionably, and might even perhaps have got a judgment of a court of Common Law in his favour—ordering that person to appear before himself, the chancellor, and answer the petitioner's complaint ; and if the person summoned failed to answer the complaint satisfactorily, the chancellor would order him to do what was equitable, for instance, to use his legal right in a particular way, or not to proceed on a judgment in his favour, and if necessary he would enforce this order by a fine or by imprisonment.

Gradually this practice of the chancellors came to be systematized, and just as a doctrine of precedent insensibly

grew up in the Common Law courts, so, though much more gradually, it came in time to be usual that when one chancellor had held that in certain circumstances such and such a decision was equitable, another chancellor should decide similarly in similar circumstances. But for a long time it was a standing cause of complaint against the chancellors that their decisions were capricious and unpredictable; it is only about the beginning of the eighteenth century that the process can be said to have been completed. In the end however it came about that 'equity', the doing of that which a particular chancellor thought morally fair and just in a particular case, merged insensibly into 'Equity', a system of established rules, built out of an accumulation of precedents, and applied with almost the same regularity and regard for precedent as the rules of Common Law. The chancellor became a judge, and his office became the Court of Chancery; he administered a new kind of law, outside the older Common Law, which, in spite of its name, Equity, was and is just as truly part of the law of England as the Common Law itself.

It is difficult in a few words to explain the relation of these two kinds of law to one another without being misleading. Equity added to the law the whole law of trusts; it profoundly affected the law of mortgages; it made it possible to assign, that is to say, to transfer to another, contractual rights, and it improved the remedies available when a contract had been induced by fraud or made under mistake; it allowed a married woman to enjoy her own property, although the Common Law had given it to her husband; and it introduced procedures which were improvements on those of Common Law, such as orders specifically to perform contracts

instead of merely to pay damages for breaking them, and injunctions forbidding one to commit wrongful acts. But Equity is not a complete system of law in itself as the Common Law is. It has been well described as an 'appendix' to the Common Law. It consists, so to speak, of a number of afterthoughts, not logically related to one another, but each of them only intelligible when read in relation to some rule of the Common Law.

The system by which property can be held by one person, a trustee, for the benefit of another is the most characteristic and valuable of the contributions of Equity to our legal system, and trusts illustrate well the way in which Equity depends upon, or assumes the existence behind itself of, the Common Law. For the essence of the trust, in all the multifarious forms, private, public, or charitable, in which it has come to be used in our social relations, is always the same; it is simply that, although *in law*, that is to say, so far as the Common Law is concerned, a person may be the owner of property, and therefore entitled to exercise over it all the rights that that law confers on a legal owner, yet, because of the terms on which the property has come to him, or for some other reason which Equity regards as sufficient to affect his conscience, Equity will insist that he shall use his legal rights only in a certain way. Equity does not deny that he has these rights; it does not take them from him; but it will make him use them in fulfilment of the terms of the trust, whatever these may be, and whether these terms have been expressly accepted by him or are 'implied' or 'constructed' for him by some equitable rule.

Statute

The third strand in our law is Statute, or law enacted either by parliament itself, or by subordinate bodies to which parliament delegates law-making powers. In modern times far the greater part of our law is of this type. Every year Parliament adds one or more large volumes to its already enormous bulk, and an avalanche of Orders in Council, Regulations, and By-laws pours from authorities such as the Privy Council, Government Departments, or local authorities. Most Statute Law is public law ; it relates to matters of administration, to the raising and spending of money, to the social services. Some of it does relate to private law, but throughout our history Parliament has taken only occasional interest in that side of the law. There was a remarkable burst of legislative activity in private as well as in public law in the reign of Edward I, but for the next five and a half centuries Parliament very rarely intervened to make law in matters that affected the ordinary relations of private persons to one another ; it left that side of our national life almost entirely to the judges. In the period since the reign of William IV (1830-37), much of our private law has been put into statutory form ; for example, statutes now cover much the larger part of our land law, of the law of trusts, of bills of exchange (which include cheques), of partnership, and of the sale of goods. Most of the criminal law was also made statutory in the nineteenth century. But most of the statutes dealing with private law are, in the same sense that Equity is, only an appendix to the Common Law. They vastly exceed the Common Law in bulk, but if that law were swept away, they would become unworkable.

Courts, Judges and Juries

Since our law has been so largely moulded by the work of judges, it is convenient to begin a description of the modern system with some account of the courts and the men who sit in them. It is still from the functions that we ascribe to our judges and the manner in which they discharge them more than from anything else that our law derives its distinctive character.

The diagram on the cover of this pamphlet shows that we have different courts for the administration of civil and of criminal law respectively. The object of civil law is to redress wrongs ; that of criminal law is to punish the wrongdoer. The object differs because the law regards the act of the wrongdoer differently in the two cases ; it regards a civil wrong, (for example, a breach of contract, or a tort such as trespass or nuisance or negligence,) as an injury to the individual whom it affects, and it tries, by giving him damages or other suitable remedy, to put him as nearly as may be into the position he would have been in if he had not suffered the wrong ; whereas it regards a crime, not primarily as a wrong to an individual, but as a matter of public concern, a wrong to the public or the state. Hence while *actions*, that is to say, proceedings in respect of civil wrongs, are brought by the person seeking redress, *prosecutions*, or criminal proceedings, are brought in the name of the King, and they may be instituted by anyone, whether he has been injured by the act or not ; in practice some of them are instituted by private prosecutors, some by the police, and a few of the most serious by a public official, the Director of Public Prosecutions. In passing it may be of interest to note that since a trespass is a tort and not a crime, the

notice stating that 'trespassers will be prosecuted' is, as it has been aptly described, a wooden falsehood; there can be an action, but there cannot be a prosecution, for a mere trespass.

(a) Courts of Civil Jurisdiction

We have seen how Common Law and Equity were two systems of law which the accidents of our legal history caused to grow up side by side, but in different courts. Besides these two main systems there also existed until modern times some other courts administering special kinds of law, of which the most important were the Court of Admiralty, and the Courts of the Church, which latter, besides their jurisdiction in ecclesiastical matters, also had jurisdiction over matrimonial causes and the probate of wills, even when the persons concerned were laymen. In modern times, however, the Judicature Acts, 1873-5, have greatly simplified this complicated system, and established the courts under which we live to-day. The Acts did not abolish the differences between Common Law and Equity, but they enacted that for the future both kinds of law were to be administered in the same courts, and that in any conflict between the two the rules of Equity were to prevail.

The present system consists of a single Supreme Court of Judicature in two parts, the Court of Appeal and the High Court of Justice. The latter has three Divisions (i) Chancery, (ii) King's Bench (i.e. Common Law), and (iii) Probate, Divorce and Admiralty. The association of the three seemingly incongruous subjects in the third of these divisions is due to the fact that all of them have their historical roots in the Civil, that is to say, in the Roman,

and not in the Common Law, and until 1857 their practitioners were a separate class of lawyers, the 'civilians', with headquarters, not in the Inns of Court, but in an institution which most of us remember to-day only from the pages of Dickens, Doctors' Commons. Above the Supreme Court, which therefore is not literally 'supreme', stands the House of Lords, to which, however, since 1934, appeals can be taken only by leave of the Court of Appeal or of the House itself.

These are the 'superior' courts in civil causes. But below these we have since 1846 the system of County Courts. These deal with cases where the claim, generally speaking, does not exceed £100; if the claim is between £100 and £200 the County Court can hear it, unless the defendant asks to have the action transferred to the High Court; if it is for a still larger amount the County Court can hear it only if both parties agree. A number of acts, such as the Bankruptcy, the Workmen's Compensation, and the Rent Restriction Acts, have also conferred special jurisdiction on County Courts, but there are a few actions, such as libel, slander, and breach of promise, which they cannot try. Procedure is much cheaper and simpler than in the higher courts. An appeal generally lies to the Court of Appeal from their decisions.[1]

This scheme of courts has at least two notable characteristics which distinguish it from that of any other country One is the remarkably small number of the judges by whom the whole civil litigation work of the country is carried on; as the diagram shows, they are only about a hundred in all.[2] The other is the highly centralized

[1] County Courts are not, as the name implies, the courts of counties, and they are not related to the old shire or county courts whose name they took over; the country is divided into *circuits*, and each judge travels round his circuit holding his court at convenient places within it.

[2] Some judicial work, however, is done by officials who are not styled 'judges', such as Masters of the Supreme Court and the Registrars of County Courts.

character of the system. Except for cases which can be heard by the County Courts, for those that the judges of the King's Bench hear at the Assizes (where civil, including divorce, cases, as well as criminal cases, are heard), and for those heard at a few special courts such as the Palatine (Chancery) Court in Lancashire, actions must be brought in London, and all appeals must be brought there. There are advantages in this centralization ; it makes consistency and uniformity in the law easier to maintain than would a system of local courts ; but the advantages are bought at a high cost, and it is the litigant who has to pay it.

(b) Courts of Criminal Jurisdiction

Offences in our law are classified according to the procedure by which they are tried. They are either *indictable*, that is to say, the charge is drawn up in a document called the 'indictment', which until 1915 was a very technical affair, and this is 'presented' to a jury for trial ; or they are triable under the *summary jurisdiction* of the magistrates or justices of the peace. Many of the less serious indictable offences can however be tried by the magistrates if the accused consents to that course, as he is often willing to do.

Indictable offences are also divided into treasons, felonies, and misdemeanours. Formerly if an offence was a felony, it was punishable with death and loss of property ; but to-day the death penalty survives only for treason, murder, the new offence of treachery created by a war-time act of 1940, and one or two other crimes which are hardly ever committed, so that this classification has lost most of its importance. Nor has it any longer a logical basis, for we cannot say that all the more

serious crimes are felonies; larceny, for instance, even of the smallest sum, is a felony, whereas to obtain money by false pretences, however large the amount, perjury, and many other very serious crimes are misdemeanours. In fact, the distinction, which still involves certain technical differences of procedure, has become an indefensible anomaly in the law.

Magistrates are concerned, though in different ways, both with indictable and non-indictable offences. (i) If the offence charged is not indictable, or if it is an indictable offence which the accused can and does consent to have tried summarily, they try it themselves in their court of Petty Sessions. From their decisions a person convicted can generally appeal to Quarter Sessions. This is a court which, in counties, consists, as Petty Sessions does, of the magistrates, but any County Quarter Sessions may ask the Lord Chancellor to appoint a legally qualified person as chairman, and a court which has such a chairman obtains a somewhat wider jurisdiction; when boroughs have a separate court of Quarter Sessions, as the larger ones do, the sole judge is a Recorder, who is a barrister appointed on the advice of the Home Secretary. There is also a procedure known as *stating a case*, by means of which the King's Bench Division of the High Court may correct errors of law made by the magistrates. (ii) If however the offence is an indictable one which is to be tried by a jury, the function of the magistrates is different. Here they do not 'try' the case, that is to say, they do not decide whether the accused is innocent or guilty; their duty is only to determine by a preliminary examination whether or not there is a *prima facie* case against him on which he ought to stand his trial. This procedure has the twofold purpose of informing the

accused of the kind of case he will have to meet at the trial, and of saving him the burden of a trial if there is no real case against him. But under our present system it is conducted in public, and this entails the grave evil that, if the case is a sensational one, the jury at the subsequent trial will probably have read reports in the Press, and may have formed an opinion before they actually hear the evidence. There seems to be no good reason why this preliminary examination should not be held in camera, as it is in Scotland. If the magistrates think there is a case to be answered, they commit the accused for trial either at the Assizes or at Quarter Sessions. Most crimes can be tried at either of these courts, but a few of the most serious can only be tried at the Assizes. These are held throughout the country three or four times a year by judges of the King's Bench Division sitting with a jury; in London there are monthly sessions at the Central Criminal Court, better known as the Old Bailey, where, besides the judges, the holders of certain ancient City offices, such as the Recorder and the Common Serjeant, also sit. When Quarter Sessions exercises its 'original' as distinct from its appellate jurisdiction, that is to say, when it hears a case committed to it by the magistrates for trial, the justices, or the recorder, as the case may be, sit with a jury; when they are hearing an appeal from a conviction by the magistrates at Petty Sessions, they sit without one.

Appeals against conviction at the Assizes or Quarter Sessions are heard by the Court of Criminal Appeal, constituted from the judges of the King's Bench Division; they are heard without a jury by a bench of not less than three judges. In very rare cases, and only if the Attorney-General certifies that a case involves a point

or law or exceptional public importance, a further appeal may be taken to the House of Lords.

One of the most interesting features of the English system of criminal justice is the large part taken in it by lay magistrates, who receive no salary, and are not required as a condition of their appointment to have any knowledge of law. The only professional judges who give all their time to criminal work are the magistrates of the Metropolitan Police Courts, a few *stipendiary* magistrates in provincial towns, and the chairmen of a few courts of Quarter Sessions appointed under special statutes—fewer than fifty in all for the whole country. The other professional judges who do criminal work, that is to say, the King's Bench judges and the recorders, give only a fraction of their time to criminal work. All the rest is done by laymen, and a few statistics for the last pre-war year, 1938, will show what this means. Of 787,482 persons found guilty of offences of all kinds 1·1 per cent. were tried by juries, that is to say, either at Assizes or Quarter Sessions, and 98·9 per cent were dealt with by the magistrates. Of these offences 78,463 were indictable offences, and of these 69,851 were dealt with by the magistrates, and only 8,612 by the superior courts.

The volume of work done by the lay magistrates is therefore enormous, and anyone who is inclined to condemn an anomaly as such without examining its working will find in this fact an easy target for criticism. But there are a number of considerations that should be weighed before we form an opinion. In the first place the great majority of offences are trivial, and only criminal in a technical sense. Far more than half the total number are traffic offences, and only a small minority

of these are serious. In the second place very few of the cases with which the magistrates deal involve any point of law at all, and in any case they have the advice of a clerk with legal training and often with long experience of police court work. The most important duties of magistrates are not to decide points of law, but (*a*) to find the facts, and (*b*) if the facts warrant a conviction, to determine the sentence. These are responsible functions, but for neither of them is a legal training the only proper equipment. It is, in fact, not a particularly good preparation for fixing a sentence ; there are other qualities, more necessary than this, as likely to be found among laymen as among lawyers. Magistrates who take their work seriously—and most of them do—can do many things which judges rarely can ; they can visit the prisons, they can keep track of the records of offenders whom they place on probation, they can see for themselves what life is like at a school for delinquent or neglected children, and, recruited as they are from all walks of life and from both sexes, they probably know more of the lives of those who come before them than most judges do. Finally, whatever the merits or demerits of lay justice may be, it is at least not unpopular. As the statistics just given show, a large majority of persons accused of those indictable offences which can only be tried by magistrates if the accused consents, do choose that method of trial. Provincial boroughs have long been able to have a stipendiary magistrate appointed if they are willing to pay his salary, but few of them do so. Lastly, although the cost of appealing from a conviction was reduced by an act of 1933, and the number of appeals has about trebled in consequence, it is still in only about one in 800 convictions that an appeal is

taken, and it is only in about one in five of these appeals that the conviction is quashed.

(c) Judges and Juries

In most continental systems the judiciary is a service to which a man devotes all his working life. The young lawyer chooses between private practice and the service of the State, and if he secures admission to the latter, he may find himself serving now as a judge, now as an official of the ministry of Justice, and now in one of a variety of legal offices some of which have no exact counterpart in our system.

Our system is very different. We have no ministry of Justice. Some of the functions of such a ministry are distributed among members of the Cabinet ; to a certain extent the Home Secretary is our minister of criminal justice, and to a less extent the Lord Chancellor is our minister of civil justice. But there are other functions for which we make either no or only partial public provision, as in our system of private prosecutions for crimes already referred to. Whether the creation of a ministry of Justice is desirable or not is a question on which opinions differ. It would not be easy to reconcile with the position that our system gives to the judges.

Our judges are appointed from among men of high standing at the Bar, and a judgeship is thus the crown and not the starting point of a man's career. This system works because our judges are few and highly paid, and because we make their office one of great dignity. If our judges did not enjoy public confidence in a high degree, as they do, the case law system described below could hardly continue. Under either system judges can be, and in all well-governed states

they are, independent of executive influence and secured in their tenure, but the English system has the advantage that when a judge is once appointed he does not expect further promotion from the government.

For many centuries the ordinary Common Law method of trial, both in civil and criminal cases, has been by a single judge and a jury, and though any short statement of their respective functions is likely to be misleading, it is approximately true that questions of law are decided by the judge and that the jury 'finds' the facts from the evidence produced before them.[1] The judge can properly do much to guide the jury to a right conclusion, but the last word is with them. Courts of Equity never used juries.

The jury system has deeply influenced both the substance and the administration of English law. It has, for instance, given us our elaborate rules of evidence, for judges felt that juries could not be trusted to assess the values of different grades of evidence and should therefore only hear the best. But little can be said for the retention of the jury in civil cases. Jurors are not trained to follow a complicated argument; they are often swayed by prejudices and emotions; and if their finding differs from that which the judge would have reached, his is much more likely to be right. Juries, too, add to the length, and therefore to the expense of trials, and if, as may happen, they disagree the trial is abortive. Hence it is not surprising that civil juries are becoming rarer, and the present rule is that judges may order trial with or without jury as they

[1] The original jurors were men of the neighbourhood summoned to inform the King's judges of facts which they knew of their own knowledge or by common repute. It was only by a long and slow development that their function changed from one of providing evidence to one of finding the facts on the evidence of others, *i.e.* the witnesses

think best, except that there must as a rule be a jury when fraud is charged, and in actions of libel, breach of promise, and a few others.

But in criminal cases the very defects of the jury are in a sense an advantage. Their bias, if they have any, is likely to favour the accused, and it will certainly do so if they suspect that the prosecution is pressing its case unduly. Formerly juries used to soften the rigours of the old criminal law by refusing to convict even though the evidence might be clear, and they are still a security for the fairness of a trial which we are not likely to discard.

The Legal Profession

In England the legal profession is divided into two branches, barristers and solicitors. Since at least the early fifteenth century barristers have been organized in the four Inns of Court, Lincoln's and Gray's Inns, and the Middle and Inner Temples. These were originally residential colleges with an active educational life. But in the seventeenth century this side of their functions fell into decay, and it was not revived until 1852, when the Inns jointly formed the Council of Legal Education, which now arranges lectures and holds examinations which students must pass before they can be 'called to the Bar.' Residence only survives in the curious custom by which 'keeping' terms depends on the eating of a minimum number of dinners. Each Inn is governed by 'Benchers', and it is they who 'call' students to the Bar and thereby license them to practice the law. Judges remain members of their Inns, and this is one of the many links which help to maintain that close contact and confidence between judges and barristers which is a valuable element in our system.

The Bar itself is divided into King's Counsel and junior barristers. The former were originally men whom the King appointed to conduct his own business in the courts, but the distinction is now a matter of precedence and of the kind of work that they respectively undertake. Junior barristers do most of the work preliminary to the trial of an action, while the work of King's Counsel is mostly in court. The etiquette of the Bar requires that a King's Counsel should not be engaged in a case except with a junior to assist him, and that the latter's fee should be two-thirds of that of his leader. King's Counsel are commonly referred to as 'Silks' from the fact that their gowns are made of silk, whereas those of junior barristers are of stuff.

Solicitors have a double ancestry. They descend partly from attorneys, who were originally subordinate officers attached to the Common Law courts, and partly from solicitors, originally a class of free-lance agents, not necessarily lawyers at all, whom a litigant might employ to assist him in an action. When later the solicitors' position was regulated by the judges, they came to stand to the Court of Chancery in much the same relation as did the attorneys to the courts of Common Law, and from early in the eighteenth century most attorneys were also solicitors, and most solicitors attorneys. When the Judicature Acts amalgamated the two systems of courts, the distinction between them disappeared. Unlike the Bar, the solicitors' branch of the profession is regulated by Acts of Parliament, but these are administered by a chartered representative body, the Law Society.

The justification for the existence of two branches in the legal profession is much the same as for the distinction between general practitioners and specialists among

doctors. The solicitor advises the lay client; he may conduct his case in the lower courts; if necessary, he instructs counsel on his behalf. The barrister can be consulted only through the solicitor; he has the sole right of audience in the higher courts; he often specialises in some particular branch of the law. It might seem that the distinction in the work would not be sufficiently important to justify an arrangement which necessarily adds to the expense of litigation, and in some of the countries of the Common Law the professions have been fused; but where this has been done, it has been found that the distinction tends to re-establish itself in practice because it is found to conduce to convenience and efficiency.

One part of the lawyer's work, advocacy, is often misjudged by the layman. An advocate is not insincere, for he does not express any opinion of his own; it would be quite improper for him to do so. His duty is to present arguments, either as to the interpretation to be put on the facts that the witnesses have proved, or as to the principle of law under which they fall; and if it is important, as it surely is, that, before a case is decided, the court or the jury should be aware of all that can fairly be said on both sides, then his function is an essential part of the machinery of justice. Of course there are pitfalls that he must avoid and rules of conduct that he must observe, and there are rare cases where his duty to his client and his duty to the court may not be easy to reconcile. The extreme case so frequently propounded by the critic of the advocate who is called on to defend one who has privately admitted to him his guilt raises questions of professional ethics that cannot be shortly answered, for much depends on the time, the reliability, and other circumstances of the confession; but a full

answer has been given to it by the Bar Council,[1] the substance of which is that, if it is too late for the advocate to withdraw without injury to his client, he must do for him all that he honourably can, but that there are special limitations which he must observe in the manner of conducting the defence. The duty of a prosecuting counsel is also sometimes misunderstood. He does not represent a client, as counsel for the defence or in civil litigation does ; he represents the state, and he aims not at a conviction, but at helping the jury to arrive at the truth. He must therefore see that all the relevant facts, including any that may tell in the prisoner's favour and that may not have been presented on his behalf, are before them.

No profession has a higher standard of professional conduct than that of the law, but it has been said of lawyers not unfairly that they are on the whole content to regard themselves as the trustees of a great inheritance which it is their duty to cherish and to hand on unencumbered to future generations. 'When judged by the interest they show in the study of their own technique and its improvement in the public interest they occupy a low place among the professions. Most of the great law reforms of the last hundred years have been the work, not of the legal profession or of any organized group within it, but of a few public-spirited lawyers, supported by informed lay opinion.' [2]

Case Law

The following of precedents set by previous decisions is not peculiar to English courts. Even if a court is not

[1] The answer is quoted and discussed by Lord Macmillan, in *Law and Other Things*, at p 188

[2] Carr-Saunders and Wilson, *The Professions*, p 52

bound to follow precedents, it will certainly be influenced by them if they are brought to its notice ; for to treat as open questions matters which have once been decided in judgments on whose correctness people have assumed they can rely would be most inconvenient. What is distinctive about the English system is the definiteness and the strictness of its rules.

In their present form these rules are for the most part a development only of the nineteenth century, and they are in brief as follows : decisions of the House of Lords are binding, both on the House itself and on all lower courts ; those of the Court of Appeal are binding on all courts below it and are nearly always followed by that Court itself ; those of the High Court are binding on lower courts and generally followed by the High Court ; and the binding element in a judgment is the reasoning on which the result at which it arrives is based and not any *obiter dicta*, that is to say, remarks that the judge may have made which were not necessary to the decision. This last rule is sometimes difficult to apply, for judges often give more than one reason, and when there are several judges they may reach the same conclusion by different chains of argument. In such cases judges and lawyers have to make the best of a difficult situation.

The courts follow these rules not only when they are applying the non-statutory rules of the law, but equally when they have to interpret a statute. Thus an Act of Parliament tends to gather round itself an accretion of case law, and when its meaning is sought the answer is to be found, not in the words of the statute alone, but in the statute and the cases interpreting it together. In this way some of our older statutes have been almost buried under the accumulated case law that has gathered

around them. It is important to bear this fact in mind, because it means that a code, which is of course only a special kind of statute, must not be thought of as an alternative to case law. It is true that uncodified law could hardly be applied except under a case law system of some kind, but if our law were to be codified, it need not, and probably would not, mean that we should abandon our rules about the binding force of precedents. The pros and cons of case law and those of codification must therefore be treated as separate questions.

There are two qualities that are specially desirable in any legal system; law should be certain and it should be flexible. Unfortunately the two are not easy to combine. If law is certain, it is in danger of becoming rigid, and if it is flexible, it may be hard to ascertain what it is. All that the best of systems can do is to steer a middle course, and to be reasonably certain and reasonably flexible at the same time.

Adherence to precedents must in principle make for certainty in the law. But a great American judge, Cardozo, has suggested that whereas this was so originally, the accumulation of precedents leads in course of time to the opposite result. It is true that he was writing of American law, where a never-ending avalanche of precedents pours from the courts of forty-nine separate jurisdictions, and that the criticism is less true of a single jurisdiction like our own, where the relevant precedents, though they are sometimes numerous, are not absolutely crushing in their numbers. Nevertheless, our system, though in the main it makes for certainty, does have some incidental effects which tend to increase rather than to diminish the uncertainties of the law. It

leaves the settlement of doubtful points to depend on the chance that some litigant may find it worth while, at his own expense, to seek a decision from the courts, with the result that the law develops without a plan, and questions that the layman has a right to expect the lawyer to answer often cannot be answered merely because it happens that no one has ever brought them before a court. Sometimes too our rules of precedent lead to the introduction into the law of over-subtle distinctions, and this is another result making for uncertainty. A court, for instance, for some perfectly good reason, may wish to avoid applying a precedent which is binding on it, and which apparently ought to govern the case before it, or it may have to choose between precedents which are equally binding, but which cannot really be reconciled with each other; in such cases it must find some distinction between the precedent and the case before it, or between the two binding precedents, and distinctions so found are sometimes more ingenious than convincing.

If we ask whether our case law system tends to make the law flexible, in the sense of being responsive to changing social conditions, the answer must again be a qualified one. Clearly an obligation to follow precedents must hamper the discretion of a court. It makes mistakes difficult to correct, so that when, as must happen from time to time, an unfortunate decision has imported some rule which is socially undesirable into the law, the courts may have to continue to apply a rule which they would willingly discard. A striking example of this may be seen in the doctrine of 'common employment,' whereby an employer is made not responsible for the negligent act of his servant when the person injured is

not a stranger but a fellow-servant. The rule was established by a decision of 1837, and it could at any time have been swept away by a single clause in an Act of Parliament; instead, Parliament has tinkered with it time and again, it has grafted sweeping exceptions upon it, but when the exceptions do not apply, the rule stands and the courts must still apply it. On the other hand these cases are not common, and they might be reduced if the system were made less rigid; on the whole the system does cause the law to adapt itself almost insensibly to social changes. It does so because the judicial function always allows judges a certain choice in the factors which determine their judgment, and in this they cannot but be influenced by the sentiments of the time in which they live; consequently, when their decisions make law, as they do with us, the law that they make inevitably follows, even though at a respectful distance, the social conscience of the age.

An advantage of case law is that it develops in response to facts as they have occurred in real life; it makes experience rather than abstract logic the touchstone by which the law is ever being tested and re-tested. In the process, too, it creates a wealth of examples to show how general principles are to be applied to particular situations. No doubt the obverse of this merit is the bulk of the sources in which the law has to be sought, but the inconvenience of this is often exaggerated; it was so by Tennyson, when he wrote of our law as 'that codeless myriad of precedent, that wilderness of single instances'. The modern lawyer at least need not lose himself in the wilderness, for though his authorities may be scattered through some hundreds of volumes, he is provided with digests and text-books which make the

task of tracking them down easier than the layman often supposes.

Perhaps the conclusion that a consideration of our case law system suggests is that, while its merits and its demerits are both real, most of the demerits could be eliminated without impairing the merits. Its real weakness is that we leave it to bear unaided almost the whole responsibility for the progress of the law. When a decision of the courts reveals some defect in our taxation laws the Treasury is quick to ask Parliament to correct it, and this is habitually done in the next Finance Act. Unfortunately we have no such faithful watchdog over our private law. When Lord Sankey was Lord Chancellor in 1934, he set up a Law Revision Committee, which is perhaps a first step, but the Committee can only suggest reforms on questions of law specially referred to it for examination. Still some of its suggestions have been passed into law by a series of useful Law Reform Acts. A proposal worth consideration is that the judges might be asked to call attention to defects in the law which they have met with in an annual report to Parliament.

Should the Law be Codified?

A code is only a statute of a special kind ; it tries to state the whole law on the subject with which it deals, whereas most statutes assume the existence of rules which are necessary to their operation, but which they do not state. In practice to 'codify' our law would mean that we should put into statutory form those rules of Common Law or Equity which at present rest only on the authority of precedents, and the case for doing so is that they would then be stated in brief compass in an authoritative form, instead of having to be extracted as

now from the reasoning of judges scattered through the law reports.

It may seem odd that most Continental nations should have codified their law and that we should not have done so, but at least part of the explanation is that they have had a particular reason for doing so which we have not. Continental codes are a development of the nineteenth century. The fashion was started by the Code Napoléon in 1804, but what made France need a code was not any discovery that codified is superior to uncodified law, but the desire to unify the divergent laws which then prevailed in different parts of the country. Other nations followed the French example, either for the same reason—this was one at least of the reasons behind the German Code of 1900—or because of the prestige that France has always had in the intellectual field. But as English law was unified by the King's judges more than seven centuries ago, we have never had this special motive to codify our law.

In weighing the pros and cons of codification, it is well to have in mind certain fundamental facts about the nature of law. Law is not an exact science, and no change in the form in which its rules are presented can ever make it one. They never can be stated in language so clear and simple that no difficulty will ever arise in applying them to facts, or so comprehensively that no case not foreseen and provided for by the draftsman will ever occur. Law is a complicated art because the facts of life are complicated, because its principles, whether they are contained in a code or in the decisions of judges, must be stated in general terms, and yet have to be applied to facts which unfortunately are always particular and capable of literally infinite combinations. The notion of a code as

a sort of legal ready reckoner from which any intelligent person could answer any legal conundrum rests on a complete misunderstanding of the nature of law.

But even on a more modest view of the possible advantages of a code there are certain relevant considerations which should not be overlooked. It is a mistake to suppose that the rules of Common Law are not in general as clear, as accessible, and as nearly comprehensive of their subject matter as most statutes are. Statutes are not always clear, or accessible, or comprehensive; far from it. Partly owing to the complexity of their subject matter, and partly to the vicissitudes through which a bill must pass in Parliament before it becomes an act, they are only too often exceedingly obscure, and they often fail to cover exactly the cases that arise later for decision under them. Even the best drafted statute is not self-interpreting, and probably the interpretation of statutes, the consideration of whether, and if so how, they apply to a particular case, already occupies more of the time of our courts than any other part of their work.

It would probably be true to say that a code would make less difference to the law than either its advocates hope or its opponents fear. Parts of our law have already been codified, and perhaps the most instructive way of showing the effects of codification, and incidentally what its effects are not likely to be, is to examine one of the codes that we already have. Until modern times the law on sale of goods was entirely judge-made law, but in 1890 a great draftsman, Sir MacKenzie Chalmers, published a draft code on this subject based on a review of the hundreds of cases in which the law was contained. In 1893 Parliament adopted this draft and enacted it as the Sale of Goods Act. Chalmers' book has been re-edited

many times since then, but it still appears in practically its original form. For the effect of the Act of 1893 was only to reverse the position of the code and the cases. In 1890 it was the cases that were authoritative, and Chalmers' draft code was useful because it gave a scholarly summary of their effect. After 1893 the code contained the law, but the cases were still important, though in a different way; they had become illustrations showing how the articles of the code applied to particular combinations of facts. Moreover once the code had become law, the courts had to apply it to new combinations of facts as they arose, and they have been building a fresh body of case law ever since; for though Chalmers' work was a model of draftsmanship, it could not preclude questions arising as to its application to facts which had not occurred at the time it was done. The work was not wasted, because it provided an occasion for a thorough overhaul of an important branch of the law, for smoothing out inconsistencies, and eliminating anomalies; but it made no fundamental change and it did not place the law of the sale of goods on a different plane from the rest of the law as regards either certainty or accessibility.

The success of this particular piece of codification is instructive for another reason. A danger of indiscriminate codification is that it may tend to petrify the law at the particular stage of growth that it happens to have reached at the time. That was not a serious danger with the sale of goods, because the main principles on that subject were well established, they had been tested by long experience of the most ancient of all contracts, and they were not likely to need drastic modification in any probable change of social conditions or sentiments. But there are parts of the law where to fix principles at a particular

moment might be unfortunate. One of the merits of case law is, as we have seen, that it enables the law to reflect changes in public opinion, but the range within which this is possible is small when the principles which have to be applied are contained in a statute. It is true that the danger of giving an undesirable fixity to principles of law still in process of formation might be reduced by periodical revision of a code, but in the present state of public and parliamentary interest in the law it would be unsafe to rely on such a safeguard.

The Cost of the System

English law is notoriously a costly system for the litigant. This is a state of things which can be explained, though it cannot be justified ; for it means that going to law is a luxury which most of us cannot afford. Even that is an understatement, for to the ordinary man the prospect is a danger to be avoided at almost any cost, and that is a thoroughly unhealthy state of things.

The particular causes are many, but they all or nearly all arise out of the reluctance of all concerned to offer the litigant, or even to let him have, any article but the best, whatever it may cost. A report of the London Chamber of Commerce, which Mr. Claud Mullins quotes in his admirable book on law reform, *In Quest of Justice*, went straight to the heart of the matter in 1930 when it said that the position is ' as if a person who wished to buy a car were told that he could only have a Rolls or a Daimler. He would at once admit that the Rolls or the Daimler was the best of cars, but would say that he could not afford it. So with our present system of litigation.' Moreover unlike most expenditures on which

a man may be tempted to embark, law is one in which it is often impossible to make an estimate of the probable cost beforehand, for once an action is started the costs are largely out of the control of himself or even of his advisers.

Some of the particular causes which swell expenses have already been mentioned incidentally. One is the necessity for all appeals and for many actions even in the first instance to be heard in London. Another is the separation of the legal profession into two branches, with its corollary that a barrister can only be approached by the client through a solicitor. Within the Bar itself there is the rule which debars a leading counsel from appearing except with a junior receiving two-thirds the amount of the leader's fee. A reform of 1934 has mitigated one serious source of expense, the excessive facilities for appeals which used to exist; it was actually possible until that year to have no less than three appeals from a County Court, and two from a High Court, decision. Now there can normally be only one appeal in either case, namely to the Court of Appeal. But the possibility of a further appeal to the House of Lords by leave still remains.

Appeals to the House of Lords illustrate very well the way in which litigants are obliged to pay, not for something that they want, but to maintain the excellence of the system. The House is a great court; on public grounds there is everything to be said for retaining it. Its judgments nearly always illuminate the law; it helps to unify the law throughout the United Kingdom, for it is the highest court for Scotland and Northern Ireland as well as for England; it is prized by the big litigant, the Government department or the great corporation, for whom the settlement of a doubtful point may have an importance which goes far beyond the case in hand and

makes the cost of appealing a trivial matter. But for the ordinary litigant who may find his case taken to the House contrary to all his calculations, and may, if he fails there, have to pay the costs of the action both in the House and in two courts below, the very existence of the House of Lords is a terrifying fact. Remember too that this disaster will befall him, not because his case was a weak one which ought never to have been brought, but for the very opposite reason, because it involved a point of law so doubtful that only the highest court could finally decide it. In fact the system will have used him willy nilly as a mere instrument for improving the law in the public interest, and have made him bear the cost of this public service.

But of all the causes which make our law expensive the most serious, because it pervades the whole system, is the extreme complexity of the procedure in an action. Before a case is ready for hearing in court a variety of matters arise which either may or must be settled by so-called 'interlocutory' proceedings; most of these are too technical to be discussed here, but they relate to such matters as amending the pleadings, orders that one party shall furnish better particulars of his case, or disclose relevant documents that are in his possession, or adding or omitting parties to the action, and in an important case these proceedings may be hard fought and proportionately expensive. The *Annual Practice*, which the lawyer uses to guide him through this maze, is a volume of over 3,500 pages, and even the *County Court Practice* has 2,800 pages. Again at the trial of an action there is the same reluctance to accept any loss of thoroughness merely for economy's sake. The law will not admit second-best evidence, however inconvenient and expensive it may be

to produce the best. The length of trials is often excessive, a case in 1936, in which the amount at stake was £50, occupied 14 days in the first court and 83 hours in the Court of Appeal. This was no doubt an extreme case, and the Master of the Rolls[1] made a strong protest. But he used these words : 'Just as there is not one law for the rich and one for the poor, so there is not one law for cases which involve small amounts of money or issues of comparatively small importance and another law for those which do involve the major and graver issues.' The ideal is a high one, but it may be that we ought to be content with one less exacting.

Since 1895 a simplified procedure has been used in commercial cases. The commercial community was able to secure this concession because it was organized and could bring concerted pressure to bear, and because it was known that it could and would withdraw its disputes from the courts altogether and settle them by arbitration if need be. In commercial cases the court is allowed to dispense with technical rules of evidence and other complications, but despite these concessions commercial men still tend to prefer arbitration, and it is not to the credit of the law that they should do so. It is fair to add that the position of even the ordinary litigant was improved in 1932 by the introduction of a simplified procedure which can be used when the issues in an action are expected not to be complicated. It should also be added that there are many ways in which the costs of litigation can be reduced if the parties agree to use them.

[1] The Master of the Rolls was originally the senior of a body of clerks working under the Chancellor. In course of time Chancellors began to use him as their deputy for the trial of suits, and in the eighteenth century he was recognized as a regular judge of the Court of Chancery, junior to the Chancellor. Since the Judicature Acts he is the senior judge of the Court of Appeal. Besides his judicial functions the public records are under his charge.

As a rule they do not; they may not be aware of them, or if they are, there is likely to be one of them who thinks that the regular procedure will give him some advantage. But enough has been said to show that the excessive costliness of the system is not a simple matter which could be corrected by any single reform. It results from a number of causes, each of which needs to be considered separately in order to decide whether or not the advantages of a proposed economy would outweigh any loss of efficiency that it might involve.

The Spirit of the Law

The distinctive character of our law lies more in its method of approach to legal problems than in the particular rules of the system. Few of its rules have special merits which make them superior to those of other systems; some, notably much of our land law, still encumbered as it is with the relics of its feudal origins, have definite demerits. Our most characteristic contribution to the world's legal heritage is that we have learnt a particular way of applying law to the facts of life.

This English method may be summed up by saying that our law has always been more concerned to find a satisfactory solution for the particular case in hand than it has either with the logical perfection of principles on the one hand or with wider social interests on the other. We have a rooted conviction that the practice of law is an art rather than a science, and as a result our law is both intensely practical and intensely individualistic.

One manifestation of its practical character is an instinctive assumption that if remedies, the means of enforcing rights, are effective, rights can, so to speak,

be trusted to look after themselves. Few of our liberties are contained in any formal declarations of the rights of Englishmen; they are generalisations from particular decisions given by the courts when individuals have appealed to them for protection. The classical example is the writ of *habeas corpus*, which safeguards our personal liberty and the basis of our other freedoms, of speech, of meeting, and of the rest, is the same.

The predominant concern of the law with the interests of the individual is shown by its secular opposition to all arbitrary exercise of power, private or governmental.[1] The struggles of the seventeenth century were in large part a conflict between the common lawyers and the king's claim to an extra-legal prerogative, and in a somewhat different form the same issue is with us to-day. To-day the question is one of the relation of the legal system to the vast discretionary powers, both legislative and judicial, that modern statutes confer on government departments. It is right that our courts should be zealous, as they are, to see that these powers are not exercised beyond the bounds within-which they are granted; and it is right that watchful critics in Parliament and outside should protest against the grant of powers which are unnecessarily arbitrary. But just as in the seventeenth century the lawyers failed to see the difficulties of those on whom the governing of the country rested, so to-day some of the modern critics of 'bureaucracy' seem unwilling to admit that the expanding functions of government can only be fulfilled if administrative organs possess fairly wide discretion to deal with issues for which the ordinary process of courts of law is too cumbrous, too slow, and too expensive. A better understanding between law

[1] See note on Martial Law on p. 40.

and administration is needed for the health of both, but it will only be reached if each learns to understand the strong points in the case of the other.

Professor Roscoe Pound has pointed out a danger in the extreme individualism of our law. 'It is concerned', he says, 'not with social righteousness, but with individual rights. It tries questions of the highest social import as mere private controversies between John Doe and Richard Roe. Its respect for the individual makes procedure, civil and criminal, ultra-contentious, and preserves in the modern world the archaic theory of litigation as a fair fight, according to the canons of the manly art, with a court to see fair play.'[1]

The criticism is just, but the remedy is in our own hands, as indeed it is for all the defects, many and serious as they are, in our law. If individual rights are used anti-socially, it is for Parliament to re-define them in terms which will prevent their abusive use, as our social legislation is already doing within its own particular field; but within the limits within which the public interest allows the rights of individuals to exist, it is the bounden duty of the courts of law to see that they are upheld.

[1] *The Spirit of the Common Law*, p. 13

A Note on Martial Law

The Duke of Wellington once said of martial law that it is 'neither more nor less than the will of the general who commands the army. In fact martial law is no law at all.' Martial law in this sense belongs, not to English, but to international law; it denotes those powers that the laws of war allow a commander to exercise over occupied territory and its inhabitants.

But English law, too, allows the military in certain circumstances to assume powers outside the ordinary law, and the state of things which then comes into being is sometimes called 'martial law'. It may be taken as established that: (1) A proclamation of martial law cannot of itself legalize these extraordinary powers. (2) They can only be exercised in an area where, and at a time when, actual war is raging, whether against a foreign enemy or against rebels. (3) The courts and not the executive or the military will decide whether this condition is satisfied. (4) If it is, the courts will not interfere with military action taken to restore the peace. (5) Military courts set up to try breaches of military orders are not true courts of law, but merely committees of officers whom the commander empowers to conduct enquiries on his behalf and to advise him. (6) When peace is restored, the courts may be asked to decide whether an act committed during the war exceeded what in all the circumstances the emergency made necessary. (7) Almost certainly Parliament would pass an Act of Indemnity protecting members of the armed forces from the consequences of acts exceeding the necessities of the case, but done in the honest belief that they were necessary.

OXFORD PAMPHLETS ON HOME AFFAIRS
No. H.7

BRITISH TRADE UNIONS

BY

MARY AGNES HAMILTON

OXFORD UNIVERSITY PRESS
LONDON: HUMPHREY MILFORD

In 1868 the first real national congress of Unions met in Manchester, representing under 200,000 members ; in 1941 Trade Union membership was over six million. Things grow slowly in British soil, but they grow steadily, and their roots grow as firmaly as their branches. British Trade Unionism cannot be understood without some account of what it has grown from—and, not less, what it has outgrown. In this Pamphlet, Mrs. Hamilton gives a brief survey of Trade Union history in Britain, and then describes its position in relation to the State and society of Britain to-day. An important section of the Pamphlet explains the connexion of the Trade Unions with the Labour Party.

Mrs. Hamilton has played a notable part in public life. She has been Labour M.P. for Blackburn, a Governor of the B.B.C., an Alderman of the L.C.C., and has been working as a temporary Civil Servant on problems of reconstruction for the last two years. Mrs. Hamilton is also an author of distinction. She is probably best known, in this field, by the biographies of Margaret Bondfield, Sidney and Beatrice Webb, and Arthur Henderson, and most recently by a study of Trade Unionism among women entitled *Women at Work*.

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First published October 1943
Reprinted in India November 1944

Printed in India at the Diocesan Press, Madras, and published by
THE OXFORD UNIVERSITY PRESS *Amen House E.C.4*
LONDON EDINBURGH GLASGOW NEW YORK TORONTO
MELBOURNE CAPETOWN BOMBAY CALCUTTA MADRAS
HUMPHREY MILFORD *Publisher to the University*

BRITISH TRADE UNIONS

'Those institutions which lie so near the core of our social life and progress, and have proved that stability and progress can be combined.'

The Rt. Hon. Winston Churchill,
in the House of Commons,
11 November 1942.

NATIONS, like individuals, have their special talents. The British talent is for doing things together. Fostered, no doubt, by island security, yet independent, it has been transplanted overseas. 'Together' has made and sustains the British Commonwealth. 'Together' is the very stuff of our democracy, as of our freedom with its rich variety and robust tolerance. Among the diverse offspring of this talent, trade unions take a place.

Beginning as groups of persons working at a given trade or process who came together for mutual aid and in an effort to get standard rates adopted within that trade or process, the separate associations of workers have come to recognise a common interest and to develop a common technique. They have built up a powerful corporate organization, which reaches out into the political field and has established international affiliations. Nothing British is fully logical in development or in action. Yet British trade union history and practice alike show 'together' as consistent and guiding thread of idea. This brought workers into continuous associations; this has made these associations a recognized part of our complex apparatus of government by mutual consent. When, in the early nineties of last century, Sidney and Beatrice Webb devoted two massive books to the study of trade unionism, voices were raised asking whether the topic really deserved their careful study. No such voice would be raised to-day. Freedom of association is as essential to working democracy as freedom of speech or of conscience. Trade unions head the Dictators' list of victims.

Every living organism is a product at once of its environment and of its inheritance. Trade unions had a long and stiff fight for existence and for recognition. They bear the marks of their past, and cannot be understood unless it is outlined, in however brief and imperfect a survey.

In the *History of Trade Unionism*, now a classic, the Webbs place the establishment of continuous associations of workers in the latter part of the seventeenth century, and find them in many trades, before the introduction of steam power. It was, however, only after the Industrial Revolution assembled men and women in great masses in factories that the union, as we know it, appears.

The Fight for Existence

In the first half of the nineteenth century, such associations as existed were small, and lived dangerously. The ending of the Napoleonic wars left government and people full of terrors lest revolution break out in England; this dread, and the extreme individualism of the economic doctrines currently accepted, caused any combination by workers to better their working conditions, hard as they then were, to be regarded as subversive, and appropriately suppressed. Up to 1824, indeed, to form such a combination was a criminal offence. Ten years after the passing of the act formally repealing the anti-combination laws, a group of Dorset rustics were condemned to seven years' transportation, on the ground that they had 'administered an unlawful oath' in initiating members at the little village of Tolpuddle. The savage sentence was officially commended by Lord Melbourne, and executed with indecent speed.

Yet working and living conditions were so bad that men and women had to rebel against them. There was, from time to time, an effort to give the struggle national scope; thus the Chartist Movement of the 1840's carried on ideas spread earlier by men like John Doherty and Robert Owen, both of whom dreamed of a single grand union of workers,

and, momentarily, seemed on the point of realizing it. Only momentarily ; after the failure of the Charter, unions were in the main local, and, in the main, in such concentrated trades as the mines, iron and steel, engineering, building, and the textiles. The aim of the relatively skilled men was, primarily, to safeguard the conditions of their own craft, by getting rates regulated and the number of entrants controlled. Workers, in fact, thought very much as their employers did ; they, too, bowed heads before the ' iron law ' of wages as formulated by the economists, and believed that there was only a straitly limited amount of work to go round. Yet, side by side with the craft protection society, were the groups whose main aim was to provide assistance to members when in need : Friendly Societies developed, and also unions concentrating on ' friendly ' benefits. The Co-operative Movement, too, made its gallant start and quickly expanded.

Union of Unions

Even in the 60's, organization was difficult. Trade unions, outside the law, might not register as friendly societies. They persisted, however, because they were needed, and because people who work together come to realize a common interest and a common purpose. Gradually, too, struggling local and sectional societies formed into national unions. This was mainly the work of a notable group. William Allan, of the Engineers, Robert Applegarth of the Builders, Daniel Guile of the Iron-founders, Edwin Coulson of the Bricklayers, and George Odger of the London Shoemakers were shrewd, solid, practical men, working at their trades, who thought in terms not of single unions but of united unions. They got going, in London and other cities, trades councils which, in each locality, brought the different trade societies together for common action. Out of these trades councils grew the first truly national congress, which, in 1868, met in Manchester ; 34 delegates represented under two

hundred thousand members. Moreover, the influence of the five, and of their friends in the House of Commons and outside, was strong enough to get an act passed in 1871, after a Royal Commission, which established the legal position of trade unions, and allowed, though it did not compel, them to register as friendly societies. Almost immediately, however, the Gladstone government passed another act (the Criminal Law Amendment Act) which made illegal almost anything that could be described as a conspiracy or in restraint of trade ; and sent numbers to prison. This second act was repealed in 1876 after the Liberal government had been defeated in the general election—a defeat helped by union votes ; but it compelled the union leaders and a growing body of radical-minded working men to realize the need of some kind of political organization. The first working men candidates appeared in the 1875 election, and two of them—Alexander Macdonald and Thomas Burt, both miners got in. But they were returned as Liberals. Even in the north, where trade unionism had by far its greatest strength, trade unionists, in so far as they thought politically, were apt to share the individualism and hostility to action by the State of the Liberals of the day.

1889—Match Girls and Dockers

Change came from the south. In the hot summer of 1889 the girls in a South London match factory suddenly struck against intolerable conditions. The London Trades Council and the little Women's Trade Union League, born in 1876, and largely middle-class, supported them ; they won. The gasworkers followed ; they got their twelve-hour day reduced to eight. Then the dock workers came out with a demand for sixpence an hour—the famous tanner. Only a fraction of them were in any union ; John Burns and Tom Mann of the Engineers and Ben Tillett, who had just got a tiny Teacoopers and General Labourers union into being, led a revolt that was, in its origin, spontaneous, and,

in its course, immensely aided by a revulsion in general public attitude. This was due in the main to growing knowledge of how the 'other half' actually lived, conveyed by such books as Charles Booth's great study of London and, on a more popular level, *The Bitter Cry of Outcast London* and Henry George's *Progress and Poverty*. The public was, for the first time in a major strike, almost wholly on the side of the strikers. Funds were collected by newspapers; subscriptions poured in from Australia, £35,000 was wired; prominent persons came out on the side of the men; within a month Cardinal Manning and Sydney Buxton, self-appointed arbitrators, had effected a settlement which granted all the dockers' demands. Tillett's fledgling expanded into a great Dock, Wharf, Riverside and General Workers union. Encouraged by this success new unions sprang up, not in London only, but in the east and north. The black coats were roused; organizations were formed by clerks, by shop assistants, and by Co-operative employees. Trade union membership went up by leaps and bounds. The new unions, in the main, charged low contribution rates; they concentrated less on benefits than on a fighting policy. Moreover, they were infiltrated by political and even by Socialist ideas.

The awakening of the social conscience took multifarious forms; among them, the advent of a definitely Socialist movement. In 1883, the first society was formed—the Social Democratic Federation. It had the distinction of attracting William Morris to its ranks, but its more typical leader was H. M. Hyndman, whose rigid Marxism did not appeal to the average British mind. More effective was the Fabian Society, quietly founded in the next year, and soon putting out a stream of highly effective propaganda tracts (largely by Sidney Webb and Bernard Shaw), in which the community was instructed how it could run its business more efficiently on collectivist lines. Then, in 1893, came the Independent Labour Party. Keir Hardie, its founder and inspirer, was at once a Socialist and a Trade Unionist, leader

of the Ayrshire miners. Elected as a wholly independent M.P. in 1892, he soon realized how little isolated members could achieve in the House of Commons ; he determined to get his fellow trade unionists to break loose from the Liberal allegiance and form a party of their own.

Making a Party

To this end he gathered like-minded trade unionists, such as J. R. Clynes, Ben Tillett, Robert Smillie, James Sexton, and convinced Socialists from outside their ranks, among them Bernard Shaw, Robert Blatchford, Katharine St. John Conway (Mrs. Bruce Glasier) into what was, sagaciously, called, not the Socialist, but the Independent Labour Party. Its express purpose was to bring the unions into politics : ultimately, Socialist politics. John Burns, at the time the most powerful figure in the union world, was hostile ; the newer unions were in most cases sympathetic. By 1899, what Hardie called ' the Labour Alliance ' was in sight ; in that year Congress, representing 1¼ million organized workers, passed a resolution instructing its Parliamentary Committee (such, till 1920, was the title of its executive ; after 1920, General Council) to invite the co-operation of ' all Co-operative, Socialistic, trade unions, and other working organizations to jointly co-operate "in convening a special congress" to devise ways and means of securing the return of an increased number of Labour members to the next parliament.' In February 1900, this special congress met in the Memorial Hall, Farringdon Street, London, attended by delegates representing half a million trade unionists and 70,000 members of Socialist societies. The delegates accepted the plans put before them for a federal alliance of trade unions, Co-operative, and Socialist societies ; and set up a Labour Representation Committee, composed of seven from the trade unions, two from the I.L.P., two from the Social Democratic Federation, and one from the Fabians ; Hardie was chairman ; secretary, J. Ramsay MacDonald. These two had worked out the

plans. The nominal task of the Labour Representation Committee was, as its name suggests, simply to get more M.P.s elected; that was not, however, what either Hardie or MacDonald meant it to achieve.

At first large trade union sections were unwilling to break with the Liberals; the miners were strongly opposed. Then, in 1901, came the Taff Vale Judgment. After a strike on the Taff Vale Railway the Company sued, not the workmen actually involved, but the Amalgamated Society of Railway Servants; the case was carried up to the House of Lords and decided in favour of the Company. This upset the assumption on which the legislature, the courts, and the unions had proceeded since the acts of 1871-6; it put every union, though not incorporated, in danger of being sued and made collectively responsible in damages for acts committed by its agents whether or no it had approved of them. Taff Vale cost the Railway Servants over £40,000. No union felt or could feel safe. They turned to the Labour Representation Committee and the idea of a party of their own. Typical was the case of Arthur Henderson. Up to Taff Vale he was a Radical; on Taff Vale, his union, the Ironfounders, joined the Labour Representation Committee, of which he became treasurer; in 1903 he was returned as a purely Labour M.P. for Barnard Castle. In 1901 the L.R.C. had only 353,000 trade union members; by 1905 this figure had risen to three-quarters of a million; in 1908, a million and a quarter. By 1903 a political levy of one penny per member was laid on affiliated societies; in 1904, this was made compulsory.

At the 1906 Election fifty L.R.C. candidates went to the polls, and twenty-nine were elected, among them Hardie, Henderson, MacDonald, Clynes, and Snowden. There were also fourteen miner M.P.s, and eleven, including John Burns (made a minister in the Liberal Government), who still carried what was called the Liberal-Labour flag. But a party was there, with its own distinct position and its own

whips in the House of Commons. It retained, and has ever since maintained, the federal structure of the parent L.R.C. ; the Labour party to-day is a federation of trade unions, local labour parties, Socialist and other societies, as it was at its foundation. The young party scored an immediate success in getting the Taff Vale judgment reversed, by the Trade Disputes Act of 1906, which gives unions a position in law unique, in that they cannot be sued for acts of their officers. Two years later, in 1908, came another legal battle. Osborne, a member of the Amalgamated Society of Railway Servants, applied to the Courts to restrain his union from engaging in politics ; he won ; the political levy was declared illegal. This converted the miners ; they joined the Labour Party in 1909 ; by 1910 all the major unions came in. It was not, however, until 1913 that the Trade Union Act restored the rights of the unions to pay affiliation fees to the Labour Party, while reserving to the individual member the right to contract-out of this portion of his contribution.

During the years between 1908 and the outbreak of war in 1914, the parliamentary scene was dominated by the struggle with the House of Lords. The Labour Party supported the government's great social legislative programme, but was too small for distinctive achievement. Moreover, trade unionism was attacked from within. Tom Mann, hero of 1889, and Jim Larkin, fresh from a great Dublin strike, were preaching Syndicalism, with its programme of self-government in industry and 'direct' —*i.e.*, strike—action. Guild Socialism appeared, as a milder form of the same theory. There were strikes from one end of the country to the other. Early in 1913, the railway unions at last achieved recognition by the companies ; but many, indeed, most of the stoppages that followed each other in rapid succession in 1911, 1912, and the first six months of 1914, were undertaken against the advice of recognized leaders.

War suspended strikes and masked the unrest from which they had arisen. The trade unions and the Labour Party (though not the I.L.P.) threw themselves wholeheartedly into the struggle. Strikes were at once called off ; there was a rush to the colours. This rush soon produced difficulties in munitions and other war-supply establishments and led to a whole series of new industrial problems and grievances, out of which a critical temper developed. Conscription roused intense opposition ; its operation, and that of the Munitions Acts, created strong resentment ; Arthur Henderson, who represented the Party in the Coalition government, had to face a new trade union militancy in the Shop Stewards movement, very strong on the Clyde. As war dragged on pacifism spread from the I.L.P. to certain trade union sections. After the first Russian Revolution in 1917 and the Stockholm Conference issue, international feeling grew, powerfully, and had and retained a special warmth in the case of Russia. Thanks, however, to the vigorous campaign led by MacDonald and Henderson, after 1918, Communism took no real hold. This is remarkable in view of the bitterness caused by the 1918 election, aggravated by the grim slump that followed on the brief and hectic post-war boom.

The railway strike of 1919 ended in victory for the men. The London dockers secured a court of enquiry into their claims and, led by Ernest Bevin, won a minimum wage. But the miners, in the battle from the start, went down to progressive defeat. Early in 1919 they put forward a plan for continued public control of their industry, with minimum wage rates. They postponed action on this when the Lloyd George government promised to implement the report of a Royal Commission set up under Mr. Justice Sankey. That Commission, however, produced not one but three reports, none of which were operated. Instead, at a moment when the slump was beginning, it was

announced that control over the mines was to end, not in August 1921, but in March. The owners at once announced reductions in wages, which they were, further, determined to regulate on a local and not a national basis ; on 31 March a national lock-out followed. Thereupon the miners called upon the Triple Alliance, formed between themselves, the Railwaymen and the Transport Workers. There were confused and abortive efforts at negotiation. Finally, at a meeting in the House of Commons, held on the day before the supporting unions were due to come out, Frank Hodges, then secretary of the Miners Federation, made what was taken as being an offer for a temporary settlement. Next morning, Friday, 15 April 1921, the miners' executive rejected it ; Frank Hodges resigned. The Railwaymen and Transport Workers called off their strike notices. It had, from the first, been a weakness of the Alliance that the terms on which the partners were to consult or co-operate had never been clearly worked out ; the miners' view, in 1921, as in 1926, was that they alone must decide the terms of action. After 'black Friday,' they stayed out for long ; in the end were beaten. In the next year the engineers were likewise beaten after an extended lock-out. Unemployment was rising fast, in all the heavy trades.

Trade Disputes Act, 1927

These industrial defeats did not prevent growing strength on the political side. In the 1923 election, the Labour vote rose to close on 4½ million, and the party, with 191 M.P.s, formed its first (minority) government in 1924. Its fall, on the 'Red Letter,' in the autumn of 1924, coincided with growing trouble in the coal-fields ; falling wages, increasing unemployment, and a revival of the mood of 1911-14. When, in 1925, the miners again put forward their 'mines for the nation' demand, the Labour movement backed them. The Baldwin government set up a Court of Enquiry. But the government, instead of operating the report, waited for the impossible—agreement between miners and

owners. On 1 May 1926, when government subsidies ceased, the owners locked the miners out ; they appealed to Trade Union Congress ; under its auspices railwaymen and transport workers, iron and steel workers, builders, electricians, and printers ceased to work. The resources of government were, of course, deployed to keep essential services running, but there was no panic or disorder. Americans who dashed over to see the revolution were sadly disappointed. After eight days of confused negotiations, a compromise was endorsed by the T.U.C. in the belief that the miners accepted it ; the sympathetic strikers went back. Again, as in 1921, the miners' leaders rejected the compromise. The lock-out dragged on. Six months later, worse terms than those of May had to be accepted. There was enough victimization, on the one hand, and resentment, on the other, to leave a good deal of bitterness. Sir John Simon maintained that the strike had been unconstitutional ; this view was reflected in a new Trade Union and Trade Disputes Act passed in 1927. This makes 'illegal any strike which has any object beyond the furtherance of a trade dispute in the industry in which the dispute occurs *and* is ' designed or calculated ' to coerce government ; it forbids unions of state employees from affiliating to Trade Union Congress ; it makes it necessary for individual members specificially to contract-in to the political levy. The effect of the last provision has been to reduce severely the annual income of the Labour Party. Affiliation fees—the backbone of that income—were in 1920 raised to 3*d.* per member per annum ; in 1929, to 4*d.* ; in 1937, to 4½*d.* Fees were paid on 3,240,000 members in 1926 ; by 1928, this had fallen to only just over 2 million ; and, after a further fall in 1930's, has remained about that level.

Except in so far as it was an expression of loyalty and solidarity the general strike is an unhappy page in Labour annals. After 1926 the pendulum swung over again to the political side, as the 1929 election showed ; the Labour vote

rose to over 8,300,000, and this figure was held even in the *debacle* of 1931. After 1926, moreover, the general strike idea, which had haunted minds since 1911, was killed. Its place was taken by a sober process of rebuilding shattered strength, on both wings, with a genuine effort at distinguishing their respective spheres. In directing the T.U.C. agenda to the industrial field Sir Walter Citrine, the general secretary, has played a notable part.

Members of the General Council are not eligible for the National Executive of the Party : nor *vice versa*. From 1931 on joint consultation is provided for through the National Council of Labour. This was composed of the chairman and six members of the T.U.C. General Council, the chairman and two members each from the National Executive of the Labour Party and of the parliamentary Labour party ; recent accession of the Co-operative Union makes it fully representative and able to consider ' all questions affecting the Labour movement as a whole.' When, as must from time to time occur, there is difference of emphasis as between the industrial, co-operative, and political sides, here is machinery to resolve it.

Trade Union Functions

As associations of workers dependent on their work for their livelihood trade unions are concerned, primarily, with the circumstances of work-payment, hours, working conditions generally—and with the status of the worker. The line of development has been from a concern limited to material conditions to one which comprises everything touching workers as citizens. No hard-and-fast line can be drawn between these two aspects ; since, however, considerable space has been devoted, as must be in any historical survey, to the political activity of unions, it is right now to review organization on its other side.

Here two aspects predominate—the ' benefit ' aspect and the collective bargaining aspect. Unions are fraternities. As such they care for their members. The ' friendly ' aspect

has been there from the start. On the basis of weekly dues, funds are built up on which a first charge is provision for members over as wide a range as funds allow against the risks of life. Benefits generally cover allowances in case of unemployment, dispute, sickness, accident, old age, funeral expenses. Many unions have elaborate superannuation schemes ; all provide legal aid for members in compensation cases. Many finance benefits of wider scope, both educational and medical ; there are systems of scholarships and special courses ; hospitals, convalescent homes, and rehabilitation centres are maintained. An overall picture of the distribution of expenditure under the various heads is given by the following table, for 1938 :—

Employment[1]	£866,000
Sickness and Accident	627,000
Funeral	377,000
Superannuation	1,166,000
Disputes	148,000
Political Fund	117,000

The relatively small amounts devoted in this general budget to dispute pay and the (voluntary) political levy are worth noting ; as is the high expenditure on superannuation. The wide development of the national Social Services, in which, with the great Friendly Societies, they were pioneers, has not caused expenditure by unions under these heads to diminish ; they remain great organizations of voluntary savings and joint social provision.

Both contribution rates and scales of benefit vary widely, as between union and union. The highest rates are the 7*s.* 6*d.*—12*s.* 6*d.* per week of the compositors ; the lowest, for any large group, 4*d.* a week in agriculture. Between these extremes there is a wide range ; in mining, transport, and for the main block of railway workers, 6*d.* is the average

[1] In years of high unemployment this figure has, of course, been greatly exceeded.

rate ; railway clerks, cotton operatives, seamen, and clothing workers pay 1*s.* ; engineers, 2*s.* Rates are generally lower for women than for men.

Collective Bargaining

Important as this 'friendly' aspect is and remains, the characteristic instrument of trade union activity is collective bargaining, and its characteristic achievement the standard rate. A distinguished trade union leader, Mary Macarthur, used to employ a humble parable to describe the basic idea of trade unionism. She told the story of the bundle of sticks which could not be broken so long as it remained tied together, whereas each stick was easily broken when taken by itself. The worker who has no reserve behind him, and must to-day sell his labour to get bread is helpless, so long as he stands alone. He cannot insist on a living rate for his work, refuse hours too long for his health or object to conditions injurious to his self-respect. Workers banded together in a body possess, in their numbers, an element of strength equivalent to that which the employer has in his economic power to wait. He can do without any one of them ; he cannot do without all of them. Unity gives strength ; organization makes possible the establishment, by mutual agreement, of fair conditions. Such conditions, established in one factory or workplace, can be generalized to others. The object is to secure, over the whole of an industry, process or service, agreed or standard rates—rates for the job, wherever or by whomsoever it is performed ; scales of payment and of hours ; regulated rates for overtime and Sunday time ; normal provision of decent conditions ; agreed arrangements about discipline, engagement and dismissal ; and to make their application general.

Collective bargaining implies, on either side, responsible representation. The word of the spokesman, on either side of the table, is then his bond and enough. In reserve, as last resort is, on the employer's side, the lock-out ; on the union's, the strike. These are the harsh sanctions behind

the bargaining process. Their use implies a breakdown in the rational method of settling differences, which is discussion. This rational method is to-day the normal method. At times the discussion takes the solemn and formal shape of high-power negotiation on a national scale by national representatives on either side ; but much of it is quite informal.

> I know of heaps of men in the trade union movement who cannot make a speech on a platform, but give them a job to do and they will price it immediately, whether it is in mine, factory or ship . . . In thousands of cases the settlements are based on two men's word, often without anything being put in writing. It is simply a matter of the foreman and the manager or the shop steward or the trade union official pricing a thing and agreeing to it. Sometimes the matter is even settled over the telephone, without a word in writing Yet everybody accepts it as an honourable bargain. No other country in the world has yet been able to find a way of doing this with the same confidence.[1]

Organization

Trade unions set the pattern of industrial life and the norm of industrial relations. But their scope by no means yet covers the whole body of workers. Just before the outbreak of war, there were some 5 million men in unions out of a total of 13¼ million 'occupied males' (census of 1931) ; and 1 million women, out of 5½ million 'occupied females'. The rate of unionization among men was well over 1 in 3 ; that among women 1 in 7. By 1931, the growth in the number of occupied women was already such as to make a proportionate reckoning on the basis of the 1931 census unreal. Under war-time conditions, numbers are, of course, rising fast ; the 1943 Trades Union Congress recorded an aggregate membership in affiliated unions of over six millions. What is significant is that through the slump of the 1930's, the unionized total never fell below between 4¼ and 4½ millions. There is a hard core of 'stayers'.

The form of union structure varies widely ; so does the

[1] Ernest Bevin ; House of Commons, 21 October 1942

form of association between unions. After the 1914-18 war a process of amalgamation and federation between unions started, which has gone on since, and reduced the number of separate unions to 983 in 1941 (the latest figure published by the Chief Registrar of Friendly Societies). The general picture to-day shows concentration in a comparatively small number of big groups. Small unions retain their vitality ; there were in 1941 over 500 bodies with fewer than 500 members each. But more than half the aggregate membership was concentrated in 14 unions with more than 100,000 members each ; four-fifths in 46 unions with 25,000 members or over. For long, the largest federation was the Mineworkers ; at the outbreak of war, the Transport and General Workers Union held that place ; under war-time pressures, the Engineers are assuming it. All important unions are affiliated to the T.U.C., though the aggregate is greater than the affiliated membership.

Large or small, unions are independent bodies. They come into being by voluntary action, and are held together by voluntary action. There is no compulsion ; each union is within its sphere a self-governing association, whose decisions are made in open meeting. The basic unit is the branch or lodge ; branches are grouped in districts, districts in areas, areas are co-ordinated in a national body, whose officers are elective. The national bodies are again grouped in various ways. Federations ally or amalgamations combine those working in a common field. Annual meetings are held by all unions ; Congress cannot bind the unions to any line of action except by their individual assent. International affiliations are extensive, both general and particular. The British trade unions, as a whole, were members of the International Federation of Trade Unions, of which their distinguished General Secretary, Sir Walter Citrine, was, when war broke out, President. Moreover, the unions in the main groups belong to international federations on an industrial basis ; workers

in the textiles, building, distributive, railway, mining, transport, and other trades regularly fared to meetings abroad and thus acquired a knowledge of conditions on the continent more realistic than that of the traveller or diplomat. A vitally important agency was, moreover, the International Labour Office ; its conferences not only accomplished a great educational and practical work ; they served, potently, to transcend the narrow concepts of limited national interest, by bringing representative workers of all nations together for the discussion of matters of genuine common concern.

The Trades Union Congress

Focus of the trade union world is Congress, which gathers it together once a year, generally early in September. The place of meeting is determined by the necessity of finding a hall large enough to take some 1,000 delegates, and hotels sufficient to accommodate them for the four or five days occupied by the debates ; at the same time, an effort is made to vary the region in which the meeting is held, so that all parts of the country may enjoy the stimulus to local effort given by the national gathering. Here, broad lines of general policy are threshed out in debates fully reported by the press. Congress is predominantly a working-class assembly ; yet black-coat delegates, if but a leaven in the lump, make themselves felt. There is give and take between the platform, where the executive sits, and the floor. This executive, the General Council is elected by Congress, to carry on business throughout the year. Nominations come from the seventeen groups into which unions are divided, but voting is by ballot of the entire Congress—a procedure that leads, at times, to heavy lobbying for the mass votes of the big unions. Two seats are reserved for women ; for 1942-3, Anne Loughlin, of the Clothing Workers, was chairman and presided over the 1943 Congress. Margaret Bondfield, though the first woman elected—in 1923—did not, however, in fact preside, since in 1924 she had

become Parliamentary Secretary to the Ministry of Labour.

The debates are important; not less valuable is the opportunity for contact and friendly argument. People meet from different parts of the country; fraternal delegates from overseas remind the gathering that it is part of a world-wide movement.

The unions comprising the seventeen groups—

Mining and quarrying; railways; transport (other than railways); shipbuilding; engineering, founding, and vehicle building, iron and steel, and minor metal trades; building, woodworking, and furnishing; printing and paper; cotton; textiles (other than cotton); clothing; leather and boot and shoe; glass, pottery, chemicals, food, &c.; agriculture; public employees; non-manual workers; general workers;

are of differing types. Some are organized on a craft basis, others on an industrial, others, again, on a general labour. If the proposed amalgamation of railway unions takes place it will bring under one umbrella a craft union in the Amalgamated Society of Locomotive Engineers and Firemen, an all-grades union, in the Railway Clerks, and a broadly industrial union in the National Union of Railwaymen. The non-manual workers group, though small, is growing; there is a definite movement towards the organization and affiliation of technicians. The Public Employees group, again, is small; since 1927 postal servants and civil service employees have been precluded from affiliating.

The list of groups shows the strength but not the weakness of trade unionism. Weakness is represented by the large occupational block covered by workers in personal service, in clerical, and in casual employments. Here are big problems which remain to be tackled; and are being tackled. One section of the personal service field only—hotels, club, and restaurant service—has so far remained wholly unorganized. The recent Catering Act (1943) provides for the application of wages board machinery to this field. Such machinery, at one stage regarded with suspicion by some trade unionists, while ardently supported by others, is, now, thoroughly accepted as a means of

accomplishing preliminary organization and raising intolerably low standards of wages and conditions ; and is worked with whole-hearted union co-operation.

Women

That trade unionism is relatively weak among women follows from the fact that their employment has in the past lain largely in that field of personal service, casual labour, and clerical work where organization remains relatively weak among men. Industrially occupied women were, before the war, concentrated in a small number of groups—textiles, hosiery, clothing, boot and shoe, printing and book-binding, distribution. In these, they were fairly highly unionized. In the textiles, on the cotton side, women are in a big majority ; the weaving unions led the rest in according complete equality, from the start; to their women members, and in securing rates of pay based on uniform piece-work price lists. For the rest, industrial and miscellaneous women workers are taken in, in the main, by two big general labour unions—the Transport Workers and the National Union of General and Municipal Workers. The latter body absorbed the National Federation of Women Workers which Mary Macarthur and Margaret Bondfield used with such effect in the protection of women 'dilutees' and the maintenance of trade union standards, in the war of 1914-18. In 1939, negotiations about the employment of women in the engineering trades were conducted not between the engineering employers and the engineering union, but between the former and the two general labour unions ; it was due to their exertions that women got the 'rate for the job'. A precedent of value was thus set, which has since ruled the payment of women on the great range of jobs on which, in war, they are replacing men. Moreover, as from 1943, the Amalgamated Engineering Union opened its doors to women.

This decision brings the engineers into line with general union policy. This, for long, has recognized that union action to secure standard rates for given jobs, irrespective

of the sex of the worker, is the one sound wages policy, for men as for women. Once, it was possible for a trade union organizer to declare that 'women must be organized or exterminated'—and prefer the latter alternative. No such antithesis would be put up to-day. On the political side, sex equality has from the start been the rule in practice as in theory; on the industrial side, the same view now prevails. Outside the printing trades,[1] no major union refuses to admit women; on the contrary, all conduct campaigns for their recruitment, and many actively endeavour to secure a much larger participation by women members in union business than is as yet often found. Women pay their dues; they are splendidly loyal; but, with distinguished exceptions, their part is apt to be conceived by them as a passive one.

Branch Organization and Some Problems

This difficulty is not peculiar to women, although it is especially acute in their case. The primary unit of union organization is the branch; to keep branch meetings alive and prevent the keen (if not always wholly disinterested) few, from boring the apathetic many, is a problem met with at every stage in the workings of democratic systems. Much depends on the (usually unpaid) secretary, elected, like other officers, by the members. It is in the branch or shop that issues and troubles tend to arise; if of more than local concern, they will be carried up to the district or area meeting. The district secretary's is a whole time job, which carries a small salary; the holder will often be at the same time on the local council. He has to travel about; he is out most nights at meetings of some sort; unless his self-sacrificing wife happens to be as keen on the cause as he is, his home life may suffer. He must learn all there is to know about his industry with the aid of research and statistical staff at the head office of his union. Above all he has

[1] *i.e.*, the composing room; women are accepted by the Paper Workers and the Scottish Typographical Association.

to learn to meet the 'other side', and hold his own with men whose way of life is different and whose education has often been much longer than his. Indispensable is the capacity to take and carry responsibility, and yet not get out of touch with those he represents. The branch secretary has to stand for the decision that so-and-so has run out of benefit; he has to use his judgement in taking a local dispute higher up. The district or the union secretary has got to stand for the outcome, good or bad, of his bargaining with management. Having put the case for a rise in wages to the best of his ability, he has got to come back to his mates and tell them that their full demand cannot be met; the most he has been able to secure is, say, 50 per cent; this he recommends. They may accept—or they may not. They—or some of them—will accuse him of 'compromise'; he has to stand to his guns with them, as he tried to do with the employers. Here is a tough test of quality, mental and moral. Much more surprising than that some fail is that so many achieve it.

Two lions in the union official's path are obvious. One is the danger that he may slip out of real contact with those for whom he speaks, and, involved as he is in association with the 'other side', may become subdued to their notions and their habits; may become 'bourgeois' in the bad sense of that question-begging word. Cases occur; far more seldom than proletarian suspicions sometimes suggest. A much more serious difficulty is that presented to the representative of an established movement in keeping alive the ardour and enthusiasm of the rank and file; the difficulty of making trade union democracy work. Romance belongs, largely, to the bad old days when to be a member of a union was to be a marked man—and, also, something of a hero, to himself and to his mates. To-day it may easily seem to require more individuality to resist the moral compulsions of group loyalty, than, mechanically, to accept them. When called on, group loyalty can function magnificently; it did so, among the nobodies, in 1926. In normal times, it may express itself as too great a readiness

to let the big chiefs settle things ; to feel that when dues have been paid, all has been done that is expected of the individual member.

Of these difficulties, trade union leaders are fully aware. They are in part overcome by the association of a constantly growing number of junior representatives in a wide range of affairs of common concern; in part, by the working out of fresh forms of associated discussion and responsibility ; in part, by a continuous educational programme. The problem remains, by no means peculiar to unions ; one instance of the standing problem set to every system of self-government—how to keep alive and conscious all the cells that build the organism. The hard fact is that they cannot, all, be conscious, all the time. For the ordinary member, trade unionism is only a part of life ; he is aware of it, and uses it, when he needs it ; that it sustains him when he is not thinking about it, he forgets.

War Demands

The 1941 Report of the International Labour Organization of the League of Nations notes that Great Britain entered the war ' with one great advantage ', inasmuch as it entered it ' with a powerful and united trade union movement, with well developed employers' associations, and with an accepted tradition of collective bargaining '.

The unions were united in their outlook on the struggle ; indeed, the rank and file, as well as the leaders, were early against appeasement and ready to defend liberty. In 1935, after a debate which revealed the most earnest searchings of conscience, the Labour party conference demanded the full use of sanctions against Italy, and, if necessary, military as well as economic pressure ; it was on this issue that George Lansbury resigned the Party leadership. In 1937, both Trade Union Congress and the Labour Party Conference passed resolutions, by no means merely formal, in favour of the equipment of collective security with adequate force.

Trade unions had, before the outbreak, worked out, in

consultation, the lines on which they were ready to render service to the nation ; for them, as for so many citizens, the months between September 1939 and May 1940 were months of frustration ; they were formally recognized, but not fully participating or able to pull their weight. All this changed when Mr. Churchill took the helm, at the darkest hour. He brought a national government into being, and, from that time, trade union co-operation has been complete Consultative and advisory committees on which the T.U.C. is represented function in connexion with the Ministries of Labour, Supply, Food, Transport, etc., and with the Board of Trade.

This war presents a different picture from the last not only because in the interim trade unionism has grown stronger, trade boards have developed, and the Joint Industrial Councils originally associated with the name of Mr. J. H. Whitley have created joint negotiation machinery in fields where there had been little or nothing of the kind. Even more striking is the entirely different approach to the ' man power ' question ; since 1940, the Ministry of Labour and National Service has never forgotten that its raw material is human beings. Very soon, the factory inspectorate was taken over and strengthened ; a Factory Welfare Advisory Board was set up, and functions. Factory canteens, adequate rest pauses, decent welfare arrangements—all these have been insisted on, notably in connection with the flow of women into industry. This has been regulated ; a Women's Consultative Committee has, throughout, advised the Minister. Any temptation to militarize industry has been resolutely resisted. Idle to pretend that continuous consultation has not, at times, led to a certain slowness of adjustment. But a free people fight and work better in freedom. In May 1940 a Joint Consultative Committee (seven a side) was fully organized and has since been in practically continuous consultation with the Ministry of Labour, notably in the drafting and formulation, at all stages, of the Essential Work Orders. By June 1942, over 46,000

establishments employing some seven million workers had been scheduled ; in such establishments, a worker may not leave, nor, except for serious misconduct, be discharged, without permission of a National Service Officer. Before an undertaking is scheduled, the Minister must be satisfied as to the terms and conditions of employment and welfare in it ; after it has been scheduled, the employer is under obligation to pay rates in accordance with those established by collective bargaining or arbitration ; a guaranteed week for time-workers and day for piece-workers are established.

Further, the National Arbitration Order of June 1940 sets up a tribunal, partly composed of representatives of the T.U.C. and of the British Employers' Confederation, and partly of appointed members, to which disputes not settled by normal bargaining process are referred. The normal processes of conciliation are not superseded ; they are supplemented. Such strikes as have taken place have been small, local, and unauthorized.

Again on the production side, there has been full co-operation ; a Production Advisory Council advises the Minister ; this consultative pattern is repeated in regional and area machinery ; it is carried through to the factories, where there were, by the middle of 1943, over 3,500 functioning Joint Production Committees.

Wage-fixing has, throughout, been effected by the normal collective bargaining process.

Unions and their leaders have put the nation's needs first. Rationing and food subsidies have held the rise in the cost-of-living within bounds ; the general price index has been kept at some 30 points above 1938 ; food prices, in 1942 and 1943, were only 20 points above 1938. With this rise, average wage movements have not more than kept pace ; in some low wage categories, they have not kept pace with it.

Objections—and a Reply

Most people to-day would accept the broad view stated by distinguished American, when he says :

British Trade Unions function smoothly . . . because Trade Unionism as an institution was accepted so long ago that the community has learned that it is not a revolutionary, but a conservative movement. It does not 'make trouble'; it removes trouble. It does not foster class feeling; it diminishes class feeling. Above all, it proves that the issues which arise in labour relations are not irreconcilable.[1]

It is common ground that representative organizations on both sides in industry make for mutual understanding and a job better done. The bad employer, like the bad workman, is the enemy of the good, and must be brought into line. So, ever since 1909, legislative provision has been made for setting up statutory bodies—Trade Boards—where no voluntary organizations for collective bargaining as yet exist, in the definite expectation that such organisations will, thereby, be aided to become established, in due course. Joint Industrial Councils have been encouraged. This general acceptance is not, however, to be taken as implying that no criticism and no disquiet exist. They do, on various grounds. For instance, those who accept trade unions as all right or, at worst, as inevitable in industry, object to the moral compulsion they exercise, as to 'restrictive' practices arising out of standard rates. This objection rises to resentment and even fear when the political relations of trade unionism are considered. Then, either the unions are charged with 'meddling in politics', or it is deplored that Labour as a party and as an alternative government, is 'run by the big Unions', and therefore, so the argument goes, liable to put sectional before national interests.

Would a non-political organization of workers as such not seem to these same critics, and be in fact, more dangerous? It would, then, be a class organization, as the Labour party is not. Would not the temptation to use industrial power, impatiently, and for sectional ends, then be stronger than it now is when unions, organised for political purposes through a responsible political party, must win general consent from the entire citizen body, for their wider aims? Trade unionists must, as citizens, entertain political aims, unless they are to cease to be citizens, and their organiza-

[1] Herbert Agar: *A Time for Greatness*, p.196

tions are to dwindle to mere wage regulating bodies. It is the responsible acceptance of open and avowed political aims, to be achieved by recognised constitutional means, that, in fact, prevents the trade union movement from being a class organization.

The Labour party basis is conviction. As far back as 1904, Arthur Henderson, major architect of its structure, said: 'We want to get as far away as possible from mere trade representation'. In 1918, membership was opened to individual workers by hand and by brain, policy defined as Socialism; in 1929, this broad definition was worked out in a document significantly entitled 'Labour and the Nation'. This quite specifically committed the party to national, even an international, outlook.

Yes, some will say; this is formally correct. Admittedly, too, experience in other countries suggests that acceptance of political responsibility—the formulation of a programme of national, not sectional, appeal—is a definite stage in the growth towards adult stature of any workers' movement. But a programme is one thing and the functioning of the organ set up to implement it another; say what you will, the trade union block vote settles Labour party conference issues.

Elements of truth here; not the whole truth. The argument rests on an assumption that, on political issues, all trade unions think the same, and think differently from local labour parties and the 'conviction' element in the national body. This is not the case, as can be seen from Conference reports of debates and votes on such issues as minority government; the position of Communists; family allowances; the post-war treatment of Germany. The list could be indefinitely extended. In the recent contest for party treasurership, some unions voted for Morrison, others for Greenwood. During the period of discussion and controversy, which is part of the process of democratic education, there never has been a single trade union voice, distinct from the Socialist propaganda voice; always, division has cut right across these lines. Even during the

1914-18 war, the pacifist I.L.P. always had some Trade Union support, and was always allowed free expression by the mass of trade unionists who felt passionately on the other side. Thanks in the main to trade union tolerance, the party did not split then, nor in the immediate post-war period, when the Communist issue tore every Continental party asunder.

The Labour Party remains a federation, in which the trade unions are by far the largest numerical element. The federal structure re-appears in the local Labour party and trades council, where, again, the workers organized in their unions constitute the strongest factor. Of this numerical preponderance, the unions have never taken advantage. It was by trade union votes, and on an original trade union initiative, that it was decided, in 1937, that the members of the national executive of the Labour party elected under the heads of the different affiliated groups—trade unions, local and constituency Labour parties, Socialist and other societies—should be elected solely by the votes of those groups, instead of, as before, by a mass vote of conference. This gives to the non-trade union element a place in the councils of the party quite disproportionate to its numbers.

In the selection of parliamentary candidates it is said (inside as well as out) that the unions have a pull ; they get the best places ; more of them get in, proportionately, than of the general run of candidates. It is a weakness that some unions regard a candidature as a retiring pension for a deserving officer ; but so far as getting the best places goes, it is legitimate to ask : Who made them good ? Nor can it be said that the unions collar the political prizes. The first leader of the parliamentary party was a trade unionist, Keir Hardie ; in 1911, he was succeeded by a non-trade-unionist, Ramsay MacDonald ; MacDonald led the party from 1911 to 1914 and again from 1922 to 1931. Between 1918 and 1922, the leadership was changed annually, and in these four years, was held by trade unionists ; but in 1931 a non-trade-unionist, George Lansbury, was elected, and in

1935 replaced by another non-unionist, C. R. Attlee.[1] And no trade unionist objected. In the 1924 Labour Cabinet of 20, there were seven trade unionists ; in the 1929 Labour Cabinet of 21, only six. Labour's eight representatives in the present National Cabinet are Attlee, Alexander, Bevin, Cripps, Dalton, Tom Johnston, Jowitt, Herbert Morrison, of whom one is an active trade unionist.

The Future

The ' heroic ' period of trade union history is past, and with it some of the glamour that can capture the imagination of the young recruit. By and large, trade unionism is institutionalized. Some, indeed, would go further and say that the form itself is obsolescent ; they doubt whether, in what is loosely called the planned society of the future, there will be room or need for it.

War time equalities of sacrifice and service are powerfully accelerating a process, begun half-a-century back, of shift in the centre of gravity of our community. This shift arises partly from economic, partly from moral causes. It is the outward expression of that inward revolution set going by the imminence of mortal peril in 1940 and by the effect of the Nazi creed in action in compelling us to call in question our entire system of values. The period of ' two nations ' within our society is drawing to its end : war-time thought and emotion are completing a process begun in the organization of labour, the emancipation of women and the steady spread of education. This shift will, undoubtedly, carry with it social and economic planning by the community for the community, on a wide scale ; the establishment of minimum standards over a wide field—health, housing, employment, security, education. Is the conclusion valid, however, that, as a result, there will be nothing left for trade-unions to do ?

[1] Unionist in this paragraph implies active identification with trade union work ; most of the ' non-unionists ' hold union cards.

Such a conclusion seems to rest on the one hand on a very limited conception of what they now do, and on the other, on a blithe disregard of conditions that must be observed if planning is not to destroy and defeat its object—the freedom of the human being as such. There is danger in assuming that even the most enlightened state can be all and do all. It is indeed out of a sense of this danger that charters of human right, tables of essential freedoms are busily produced. But no charters and no tables can keep alive the souls of citizens, unless these citizens, as individuals and in freely formed groups, themselves think, care and act. Self-government remains the only form of good government. Vital, here, is the group—the free association, spontaneously formed for some common interest, purpose or activity : for the enjoyment of leisure, the exchange of ideas, the promotion of comradeship.

Those who work together form a natural group, with a natural bond.' This has become more, not less, significant with the advance of mass-production techniques which cause the making of everything to be a corporate affair. Gone is the old distinction between hand and brain worker : each, to-day, makes a part that achieves meaning only through the collaboration of others. Not the airplane nor the machine tool only, the book is the outcome of combined efforts : the writer can only reach the reader through a complicated chain of typists, printers, binders, distributors, retailers. The daily task can, normally, be for most of us but meaningless drudgery, until it is seen as an element, anonymous yet indispensable, in a corporate creation in which all share. This, in its turn, can only happen when interdependence is fully realised. The trade union, with all faults and weaknesses due to the conditions of its birth and growth, remains the medium through which such realisation is most easily and surely achieved. Its comradeship lifts the dreary sense of isolation from the worker engaged on routine operations, and gives sense and worth to those operations themselves.

The concern of the union does not end with conditions of work—hours, wages, etc. ; it covers the status of the worker. Social planning and the extension of central controls will enhance rather than diminish the scope, and even the necessity, of this. To-day, members stick to their unions in bad times as in good, largely because ideas are among the things by, and for which, men live, although they seldom speak of them. No idea is more compelling than the idea each one of us entertains about ourselves—our self-respect. The companionship of his association not only gives the worker the warm comfort of having somewhere he 'belongs' ; it fosters and sustains his human dignity. Unless this imponderable element is safeguarded, life may be impoverished in the course of the effort to improve its material conditions. Of this element, the free association is the natural guardian.

Here is an enterprise of pith and moment; in this, and as schools in the endless art of self-government, unions have a future at once arduous and significant. Ernest Bevin has called their central idea 'the liberty of the ordinary man and the right relationship between fellow-men'. Is not this also the central idea of democracy ?

TRADE UNION MEMBERSHIP

(in thousands)

	Men	Women	Total		Men	Women	Total
1927	4,125	794	4,919	1935	4,106	761	4,867
1928	4,011	795	4,806	1936	4,495	800	5,295
1929	4,056	802	4,959	1937	4,947	895	5,842
1930	4,049	793	4,842	1938	5,127	925	6,052
1931	4,859	765	4,624	1939	5,258	672	6,230
1932	3,698	746	4,444	1940	5,460	1,082	6,542
1933	3,661	731	4,392	1941	5,718	1,872	7,590
1934	3,854	736	4,590				

Returns to Chief Registrar of Friendly Societies, Ministry of Labour Gazette, December 1942.

In this Pamphlet the Bishop of Durham sets out to describe, not the character of religious faith in Britain, nor the varieties of Christian creed and worship, but the organization of the various Churches, and their relation to State and Society, and to one another. After a short historical introduction, he describes in turn the Church of England ('the most characteristic expression of English Christianity'), the Roman Catholic Church in Britain and the principal 'Free' Churches—the Methodists, Congregationalists, Baptists, and Presbyterians. The Pamphlet ends with a general survey of the present relation of the Churches to each other, of the prospects of co-operation and reunion, and of the future problems of the Churches in their relation to social change and progress.

BOOKS FOR FURTHER READING

The English Church, by C. M. ADY. Faber & Faber.
The Church of England, by E. W. WATSON. Home University Library.
Catholicism in England, by DAVID MATHEW. Longmans, Green.
Essays in Orthodox Dissent, by B. L. MANNING. Independent Press.

First published February 1944

Printed in Great Britain and Published by
THE OXFORD UNIVERSITY PRESS *Amen House E.C.4*
LONDON EDINBURGH GLASGOW NEW YORK TORONTO
MELBOURNE CAPETOWN BOMBAY CALCUTTA MADRAS
HUMPHREY MILFORD *Publisher to the University*

THE CHURCHES IN BRITAIN

Historical Introduction

THERE are many Churches at work in Britain, and all with which we shall be concerned are deep-rooted in the past. Their character and their relations cannot be understood without some knowledge of their history. Their teaching, their organization, their forms of worship have not only been deeply influenced by the writings and traditions regarded as authoritative in greater or less degree by Christendom at large: they have also been moulded by the special characteristics of British history. They have lived their life in an island which for many centuries has shared the thought and felt the impact of European Christianity, but has none the less used what it has received in a fashion of its own, creating in the last three or four hundred years a great diversity in the expression of a common faith.

There were Christians in Britain while the country was still part of the Roman Empire, and this early Christianity survived in Wales after the Anglo-Saxon conquest of the greater part of the island. But the conversion of the people at large began in the latter part of the sixth century. It was the work of missionaries from Rome and from Iona, and in the seventh century an archbishop of great energy and administrative power, Theodore of Tarsus, securely laid the foundations of a diocesan system, thereby providing the framework within which parishes could grow. In those early times the priests commonly worked in close association with their bishops, living together in communities of monastic type and carrying on their missionary work from these centres. As the number of Christians grew there was need for the more general provision of local priests: they were commonly appointed by local 'lords' for the spiritual service of their tenants and retainers, but the growth of the parochial system was the result of no single or simple process:

the fact of importance for our purpose is that in the course of the early medieval centuries the parish, large or small in area, with its parish church, became the familiar and fundamental unit of church life within the diocese, while dioceses and parishes alike gradually extended their hold over the island as a whole south of the Highland line in Scotland. Two archbishops, their sees at Canterbury and York, ruled over the two great groups of dioceses which formed their two 'provinces': there was often bitter rivalry between them, but the Archbishop of Canterbury won and maintained a primacy both of dignity and power: his see was more ancient, his province wider in extent, more populous, and for long more civilized.

Until the Reformation in the sixteenth century the Church in Britain showed, broadly speaking, the same features as the Church elsewhere in Western Europe. It was in no sense independent of Rome and the Papacy, though distance, the rule of an unusually strong monarchy and possibly a marked British distaste for clerical authority in temporal affairs, sometimes led to loud protest against Papal taxation or appointments. Here, as on the Continent, the Church was deeply involved in political life, in the work of education, in the relief of the poor: the bishops, the monasteries, and other ecclesiastical bodies were great landowners and thus continually concerned in the changing fortunes of a great feudal society. The Church had its own assemblies, the two Convocations of Canterbury and York, dealing with ecclesiastical affairs and managing the taxation of the clergy, but the bishops and great abbots also sat in Parliament. Long before the Norman Conquest, in days when there were many kingdoms in England, the Church had been able to act unitedly and to make great contributions to political unity. Throughout the Middle Ages clergy of many ranks and kinds continued to play an essential part in state affairs: for centuries they alone possessed the literary education and accomplishments needed for the work of what we should now call the Civil Service. Church and State, in fact, grew together in more

senses than one: there were frequent controversies, oppositions of interest, fluctuations in the prosperity and influence of religious organizations, and in the favour shown them by kings and their great lay subjects: the Papacy was often in high disfavour, but only the most daring minds suggested a breach with the Roman power. The essential facts for anyone who wishes to understand in outline the conditions which gave birth to the great changes of the sixteenth and seventeenth centuries are that the power of the State and of national feeling at the end of the Middle Ages had grown greatly: that the Church, still exercising an authority in most respects unquestioned in principle save by a few, though frequently disobeyed, was yet felt to be in need of wide reform, that its great wealth was an object of national cupidity, and that the illogical compromising temper of Englishmen, if not of Scotsmen, already shown in a hundred contrivances for the peaceable management of 'spiritual' and 'secular' relations, might well succeed in veiling a revolution under the disguise of peaceful and more or less orderly change.

The change came in the Reformation of the sixteenth century, and it was in essence, though not in violence, revolutionary. No attempt can be made here to enter further into its causes or to trace the steps by which it proceeded. Our concern is with its results. The greatest and most immediate of these was the appearance of a Church of England independent of Rome but dependent on the Crown, which now assumed the supremacy over all persons and causes, ecclesiastical as well as temporal. Henceforward there is a national Church, regarded by Rome as schismatic. Its official doctrine was gradually reformed, and is regarded by Rome as heretical. A large number of Englishmen retained their Roman allegiance and still there are many English Roman Catholics. During the later sixteenth century and the seventeenth it became clear that the national Church could not satisfy the desires of many who wished for more radical changes in doctrine, discipline, and Church government

than the Crown and the national Church were prepared to authorize. Hence came the rise of what are variously called the 'Free' or 'dissenting' or 'nonconformist' Churches. And here already we have the familiar elements of religious life in modern England—the 'established' Church of England, the Roman Catholic Church in England, the Free Churches. It will be convenient to refer to Scotland and Wales briefly later, dealing now with the Churches in England and first with the Established Church. Historical reference and explanation will still often be unavoidable, but it will be purely incidental to an attempt to explain the present character of the Churches and of the problems facing them.

The two monarchs, Henry VIII and Queen Elizabeth, who influenced the reform of the Church of England most deeply, were concerned to moderate rather than to encourage the desire felt by some of their subjects for far-reaching changes in the medieval system. They were determined to establish roval control, but that done, their main purpose was a decent and ordered compromise. The results are plain enough in the Book of Common Prayer and the Thirty-nine Articles, still the official standards of Anglican worship and doctrine. Both were influenced, sometimes profoundly, by the ideas of continental reformers, but in both, and especially in the Prayer Book, a middle course was steered: both are capable of interpretation in senses which can be made to satisfy those who lean in the 'Catholic' or the 'Protestant' direction, and both have, in fact, been most diversely understood by honest men. This is not to say that all these varieties can find justification in history or in reason: but there does remain a wide area within which people who use and accept the same formularies can and do draw different conclusions from them. Archbishop Cranmer, to whom more than to any other single man the English Church owes its Prayer Book, was both a master of ancient liturgical knowledge and of the English tongue. The beauty of its cadences has done much to make the book both a bond of union for the

Church and a valued possession of English Christians generally: its influence upon the worship of the Free Churches is great and growing.

The Church of England

The conservatism of the English Reformation is seen not only in its form of worship or in the refusal of those who directed it to impose upon the Church a detailed new 'Confession of faith' such as those which have borne so heavily upon some other reformed Churches, but equally in the continuity of its forms of ministry. The episcopal system was maintained: the minor Orders were jettisoned, but bishops, priests, and deacons remained. Dioceses and parishes were still the framework of the organization: cathedrals and parish churches, though deprived of many of their medieval ornaments, were still the familiar places of worship, and until the nineteenth century, with its vast growth of population, there was comparatively little new building. The monasteries were indeed abolished, their buildings commonly destroyed or handed over with their other property to the secular uses of the wealthy, who could pay a price for them. But in the monastic cathedrals priors and monks were simply succeeded by deans and canons, while many monks became parish clergy under the new régime. Lay patrons still appointed to a multitude of benefices: the parson still retained his freehold: though the Church was deprived of much wealth, large endowments still remained, derived from the ancient sources. It will be obvious enough from such illustrations as these that change and continuity combined in ever-varying proportions make it impossible to give a simple picture of the Church of England. Englishmen normally 'take it for granted' but when, as at the present time, many of its institutions and methods are found to be unequal to the strain imposed upon them, some of its complexities prove

extremely baffling. They certainly make a brief description of the Church and its working a task full of pitfalls.

It is often, and rightly, described as the Established Church, and it will be well to consider briefly here what this does and does not mean. It does not, for example, mean that the Church was created by the State or that the State makes financial provision for the clergy or that any Act of Parliament could abolish the Church. The Church is far older than the State : the clergy are paid by means quite independent of the State's revenues : and disestablishment would not mean abolition. Establishment is best understood as a term describing certain recognitions of the Church by the State, whether these recognitions confer privileges or impose restrictions. For example, the Crown has the right to hear appeals from Church courts, to summon Convocation, to nominate bishops for election. Parliament can make laws about Church discipline: it can reject Measures passed by the Church Assembly even if they deal with matters of doctrine. On the other hand the State recognizes the courts of the Church: their decisions, when lawfully made, will be enforced by the State. It is the right of the Archbishop of Canterbury to crown the King, and the King must be a member of the Church. It is the right of a number of bishops to sit in the House of Lords : but no clergyman of the Church of England may sit in the House of Commons. It would be easy to add to this list, and 'establishment' has meant in detail different things at different times. It denotes no particular act of the State : when first used in anything like its present sense it indicated that the Church was, in fact, a body whose 'order services and discipline were enforced and upheld by the law of England'. It indicates this still, though a full description of the elements of establishment would show that the privileges which it confers or recognizes have tended to decrease.

From time to time there have been agitations both within and without the Church for disestablishment. They have been based on various grounds, theoretical and practical. It has

been, and is, held by some that spiritual freedom is gravely menaced by the control exercised by the legislative and judicial authority of the State: that the nomination of bishops by the Crown on the advice of the Prime Minister deprives the Church of any firm security that they will be nominated with due regard to spiritual interests: that a position of privilege for a communion which no longer includes the whole nation and whose active members are a small minority of it, is indefensible. Discussion of the matter inevitably, if not logically, involves the question of disendowment and of the control of cathedrals and church buildings, for a measure of partial disendowment has normally and naturally accompanied the disestablishment of a Church. And many practical people, not all of them ardent Churchmen, argue that disestablishment and disendowment, however carefully and generously effected, would, in fact, deal a heavy blow to the maintenance and propagation of the Christian faith. They value the national recognition of that faith and they know that the material resources of the Church are, in the conditions of the modern world, already extremely inadequate. They are prepared, as most Englishmen commonly are, to accept an anomalous situation on the ground that many of its actual results are good and that in this particular case radical alteration would be a matter of special complexity.

But there is no doubt that the situation of the Church is in many respects anomalous to a degree of extreme inconvenience. This can be well seen by a consideration of the legislative machinery for its work. The ancient legislative assemblies of the Church are the two Convocations of Canterbury and York. They are purely clerical assemblies: in them there meet the bishops, representatives of the cathedral chapters and of the parochial clergy. They can pass 'canons', that is ecclesiastical laws, but these canons must be ratified by the Crown, they do not bind the laity, and the procedure necessary to their passing is antiquated and lengthy. Each Convocation has its Upper House of diocesan bishops, its Lower House representing the

other clergy : the two Convocations may disagree, the two Houses of each Convocation may disagree, and the Upper Houses cannot override a veto of the Lower. Ecclesiastical persons are not less loquacious than others and the Convocations offer an ideal field for delaying tactics. Their debates are sometimes useful, but their ineffectiveness for dealing with urgent matters of policy and administration, together with the inability of Parliament to devote adequate time or knowledge to the affairs of the Church, had much to do with the movement which, in 1919, brought into statutory being the body generally known as the Church Assembly.

The Assembly normally meets three times a year for about four days. There are three Houses, of bishops, of the clergy from the Lower Houses of both Convocations, of the laity, communicant members of the Church, of either sex, representing those whose names, to the number of about three and a half million, are on the Electoral Rolls of the parishes. The three Houses commonly sit together, under the chairmanship of the Archbishop of Canterbury, but there are also fairly frequent meetings of the Houses sitting separately, and they must so sit and vote when dealing with matters of doctrine and worship. The Assembly has the statutory power to discuss and provide for any proposal concerning the Church of England, and to pass resolutions upon such matters and upon others 'of religious or public interest'. If a 'measure' (as a legislative proposal of the Assembly is called) is framed and passes through the stages required before final approval, it is submitted by a Legislative Committee to the Ecclesiastical Committee of Parliament, drawn from both Lords and Commons: the Ecclesiastical Committee reports to Parliament, stating whether it considers it expedient that the measure should become law: the Assembly's Legislative Committee is shown this report and may withdraw or forward the measure. If it be forwarded and if both Houses of Parliament pass resolutions that it be presented

to His Majesty 'it has the force and effect of an Act of Parliament' when the royal assent is signified.

It will be obvious enough, even if experience had not already proved it, that the Assembly is a far more effective engine of legislation than the Convocations. By its means many measures, dealing with many departments of the Church's life, have been rapidly passed and become law: most of them have been in principle, if not in detail, uncontroversial and Parliament has readily accepted them. But the one measure which aroused deep and widespread interest, that dealing with the revision of the Prayer Book, was rejected by Parliament in 1927 and again in an amended form in 1928. Hardly anyone questions the need for some revision of the Book: its rubrics are, in fact, and have long been, widely disobeyed: everyone omits from or adds to the provision which it makes for public worship. But the Church is deeply divided on the form of the necessary revision, particularly of the Order of Holy Communion, and Parliament was not faced by the demands of a united Church, despite the impressive majorities which voted for the revision in both the central and diocesan assemblies.

If there are many complicated anomalies in the character and conduct of the councils of the Church, they are no less apparent in its legal and financial arrangements. Church law is in a state of confusion. Despite frequent efforts no revision of the ancient canon law has been made for centuries: much of it is utterly inapplicable, and if applicable, often cannot, in fact, be enforced by the existing courts. The final court of appeal in ecclesiastical matters is the Judicial Committee of the Privy Council, but its jurisdiction wins little favour from many who dispute both its proper authority and its capacity. It is often asked why the bishops do not enforce better discipline. The answer is discouraging, but conclusive. They cannot. The law itself is cumbrous and uncertain, the procedure is expensive: a clergyman sent to gaol for a ritual offence is likely to become a martyr, and the punishment can hardly be said to fit the crime.

The lamentable result is that there is much lawlessness in the Church. The position will hardly improve until the conscience and common sense of all concerned unite to establish a code of rules suited to our times and enforceable by authority which the great majority of the clergy will recognize. This will demand a spirit of patience and reasonable compromise not always characteristic of ecclesiastical controversialists. But in this, as in many other matters, the Church has suffered from a long period during which legislation of any complexity was almost impossible. The future holds better hopes.

There is probably no subject more puzzling to the layman than the financial arrangements of the Church of England, and though persons who become familiar with the details may learn to understand them, they do not cease to find them unsatisfactory. They discover, as might be expected, that the most apparent inequities are to be explained, though this is not to say defended, by historical causes. They discover, too, that figures relating to stipends are often peculiarly misleading. Most surely of all, they learn that there is no simple remedy for evils which all acknowledge and which many are attempting to remove, not least those who manage the central funds available for Church purpose. It will be well to deal first with these central authorities and then with diocesan and parochial finance, all in very summary fashion. The Ecclesiastical Commission is a statutory body dating from 1836, when it took over control of many ancient revenues paid in the past to bishops, cathedral chapters, sinecurists, and the like : by means of the large annual income thus obtained the Commissions have been enabled to pay fixed sums to bishops, cathedral chapters, incumbents, and others: a great many indefensible inequalities have been swept away, and the ownership and management of a vast deal of ecclesiastical property by a single expert authority, instead of by a multitude of corporations and individuals, has brought great improvement in the equitable distribution of available resources. The Commission, when it has met the fixed charges upon its income, endeavours by

various schemes of augmentation to meet the most pressing needs of the parochial clergy, to call out new contributions from the laity and in a hundred ways to provide better for the 'cure of souls'. Secondly, the Governors of Queen Anne's Bounty, a corporation dating from 1704, when the Queen transferred to them the administration of the first-fruits and tenths confiscated by Henry VIII, make loans or grants to clergy for the improvement of their benefice property, help forward their sale of over-large or unsuitable parsonage houses, and pay to them the redemption stock which has now taken the place of the tithe rent charge and the earlier tithe : the Bounty has also in the past augmented many livings. Lastly, the Central Board of Finance, responsible to the Church Assembly and drawing most of its income from quotas levied on each diocese, frames a budget each year to provide for contributions to many important objects, such as pensions for the clergy, their training, the expenses of the many Boards dealing with particular branches of the Church's work at home and abroad. It may conveniently be added here that Diocesan Boards of Finance, responsible to Diocesan Conferences, similarly levy quotas from the parishes, using the income for the payment of the quota to the centre, for the work of the diocese and for grants to curates and lay workers.

The work of these central and diocesan agencies is now of greater importance than ever : the strain of two great wars, the rise of prices, the decline in the value of money, have imposed an almost unbearable strain on the often grossly inadequate stipends of the clergy ; the strain could not be met at all in many instances were it not for the help given by the Ecclesiastical Commission, the Bounty, and the diocese. This has already meant increased centralization and will probably mean more : it is likely, for example, that the Commission and the Bounty will agree to amalgamation for the more speedy and efficient performance of their work, work which brings both great offices into intimate touch with the problem of the remuneration and housing of the clergy. That remuneration is peculiarly complicated and

peculiarly unequal. It often comes from a great variety of sources—ancient endowments vested in and paid over by the Commissioners, grants from the Bounty, glebe, tithe, redemption stock, parochial contributions, fees, and Easter offerings. It may be a considerable four-figure income though the parish be small and £300 or £400 though the parish be large. The published figures are, indeed, sometimes deceptive: many 'rich' livings, in fact, make contribution to the poorer, and their holders are often obliged to live in ancient spacious, expensive houses with large grounds, which effectively extinguish their apparent opulence. In recent years much has been done to increase the value of poorer livings, while comparatively few men are, in fact, seriously overpaid. It remains true, nevertheless, that the inequalities are far greater than they should be. There are many plans under vigorous discussion for mitigating them. One certain fact is that a great sum of new money is needed if the clergy at large are to be properly paid: a second is that many large and inconvenient houses must be discarded. Many of the bishops have suffered from the need of maintaining such establishments: they have been in the unfortunate position of receiving incomes whose apparent size has aroused prejudice, while yet their inevitable expenses have rendered it extremely difficult to make both ends meet. A Measure has now been passed which will, it is hoped, provide effectively both for the reduction of their personal incomes and of their responsibility for official expenses. It will be seen that there is increasing concern in the Church for financial reform. There is a growing sense that maldistribution of resources is a spiritual as well as a material weakness and that it must be remedied. There is obviously room for difference of opinion about the method of the remedy.

Any honest picture of the circumstances of the Church of England is bound to reveal urgent need for reform along many lines. Three comments may be made upon this need before we turn to some consideration of other Churches in Britain and

of the problems which confront all of them. First, then, the need is not surprising. Owing to the almost insuperable obstacles which until very recently hindered the removal or repair of medieval machinery, there has been a vast accumulation of arrears: they cannot easily be cleared off. Secondly, the need is keenly felt, and the proof of this may be seen in the efforts now being made to meet it. But thirdly, these efforts, though many of them win general support, are not seldom hampered by two causes, the still formidable uncertainties which beset the relations of Church and State, and the wide divergencies of opinion within the Church itself on some fundamental questions which easily arouse party controversy and suspicion. It will be best to leave further treatment of this condition of opinion until the concluding pages of this sketch, when we shall have had the other Churches in brief review. The Church of England does not live in isolation: many currents of thought and sympathy flow through all the Christian communions, and relations between them often powerfully affect their inner development.

It has seemed necessary to devote a large proportion of this pamphlet to the Church of England not only because it is the 'National Church', not only again because it is the most characteristic expression of English Christianity or because it is linked in various degrees of sympathy and tradition with many other Churches not in full communion with it, but also because its character and constitution are in many respects unique. The other Churches in Britain have their counterparts elsewhere: their constitution is relatively simple. They will therefore be treated far more shortly here, so far as all matters of organization are concerned, in order that space may be left for some account of the character and conditions of the work of the Churches generally.

The Roman Catholic Church in Britain

The numbers and influence of the Roman Catholic Church have undoubtedly increased in recent years both in England and Scotland. It is estimated that its members amount to seven or eight per cent of the population. They are very unevenly distributed: wherever there is much Irish immigration they are naturally strong: on Tyneside they are perhaps the largest of all denominations: in Glasgow and the industrial belt of Scotland their increase is marked. In many parts of northern England—Durham and Lancashire, for example—there is a vigorous and old-established Roman Catholic element. More recently they have grown notably in south-east England and in parts of the south-west. Generally speaking they are strongest in the large towns and weakest in the country villages. Apart from immigration, causes of their advance may be found in the influence of their religious communities, of their colleges and excellent public schools; in the devoted energy which has built a great number of primary schools; in their activity in the Universities and in literary work, and, it should perhaps be added, in the stringency of their rules about 'mixed marriages.' There has in many religious and philosophical circles been a marked revival of interest in Thomist philosophy, and Roman Catholicism has been well served by its publicists and men of learning. Moreover, in normal times the tolerant or indifferent temper of Englishmen has restrained old anti-Roman animosities, though the Prayer-Book controversy revealed their continuing existence. It has on occasion been found possible for Roman Catholics to unite informally with Anglicans and others in work of general Christian concern, but such co-operation is neither common nor easily achieved. Despite a good deal of friendly discussion and some growth of mutual knowledge, it cannot be said that there has been any real lowering of the barriers which divide the Roman from the other Churches.

The 'Free' Churches

The history of many of the 'Free' or 'Nonconformist' Churches of Britain dates formally from the seventeenth century, with a notable addition in the eighteenth: the real origins go back in one sense to the sixteenth century and in another and profounder sense they spring from elements which have always been present in the Christian Church, though for many of the earlier and medieval centuries they found expression within the one united yet highly variegated body of Western Christendom. Modern historical study has emphasized the presence as one element in the Church of those days of an independent 'puritan' spirit, loving simplicity of worship, inclining towards 'parity of ministers', critical of the hierarchy, and in doctrine attracted by that side of St. Augustine's teaching which was brought into full prominence in the great upheaval of the sixteenth century. For some generations, roughly from 1558-1662, there was an uneasy struggle within the English Church between the diverse Puritan parties on the one hand and those on the other hand who found increasing satisfaction in the Anglican compromise represented by the Elizabethan Acts of Supremacy and Uniformity and in thought and literature best expressed by Hooker's *Ecclesiastical Polity*. The Restoration of Charles II brought the ejection and exclusion of many Puritan ministers of religion, and a degree of persecution harsh enough to harden and deepen differences already long apparent and vehemently declared. When, in 1689, there was passed the famous Toleration Act described in one of Macaulay's best passages, exempting 'Their Majesties' Protestant subjects Dissenting from the Church of England from the Penalties of certain Laws' a decisive though characteristically cautious step had been taken along the road which led to complete religious freedom. Formal dissent was now definitely in being in organized bodies. It had been compelled to fight for recognition from the established Church

and the seventeenth century had made perfectly plain what the sixteenth had foreshadowed—that there would be not one, but many dissenting Churches, that the distinctions between them were sometimes marked both in doctrine and church polity, but that there were, nevertheless, strong family resemblances. The last two hundred and fifty years have given life to some new Churches and some new differences. But they have also revealed a growing unity among the major Free Churches and recently the gradual disappearance of mutual unfriendliness in their relations with the Church of England. It may well be that the growth of Methodism, one of the supreme events of the eighteenth century and the result of the life work of one of the greatest of Englishmen, John Wesley, who claimed to the end of his life to be a loyal Anglican, not only revealed to Anglicans some of their own infirmities, but added to nonconformity elements of belief and practice which in a long perspective will be seen to have contributed to this better understanding. For this reason it will be convenient to desert historical order and to outline some principal features of Methodism in Britain before dealing with a few other of the great Free Churches.

The Methodists

It has been well said that John Wesley 'combined the evangelical passion and experience of Luther with Calvin's ecclesiastical system'. It is not surprising, therefore, that the Methodists are a well-ordered communion: some have regarded their constitution, in its strength and elasticity, as a model one. They are not deeply attached to rigid forms: John Wesley himself wrote that although he believed 'the Episcopal form of Church Government to be both scriptural and apostolical . . . that it is prescribed in Scripture I do not believe.' There are Methodist bishops in America, but not in Britain. Methodists believe that their Church must be 'free to change and adapt itself to the conditions of the age.' In British Methodism there

is 'parity of ministers', but superintendents perform some of the functions of bishops: the Church is administered by a system of assemblies: at the base of it are the local churches with their classes and class-leaders, forming a 'circuit' for a certain district. Above the Circuit, with its Quarterly Meeting, comes the District Synod, in which the circuits are represented, and finally the Annual Conference, the highest authority, with its two Sessions, one of ministers alone, the other representing ministers and laymen equally. The layman plays throughout a great part in the life and teaching of Methodism: indeed the 'local preacher', who is no free-lance, but a trained and authorized person, has been a powerful influence in the social and industrial no less than in the specifically religious affairs of the country. Probably it is true to say that the strength of Methodist work has lain above all in the great opportunities it has given to laymen, in the effective training of its preachers for the preaching of the Word of God, and in its possession and use of a great hymn-singing tradition. In all this it owes a continuing debt to John Wesley and his brother. Dissidence within its body has been largely, though not entirely, removed in recent years: there is a growing desire among many ministers to counteract the causes which work for disunion within their own societies or in the church at large by deeper understanding of the essential nature of a 'Church': there is a vigorous spirit of social responsibility. For many reasons it is natural that Methodism should be deeply concerned in those efforts for reunion among the Churches which have marked our recent history.

Congregationalism

The left wing of Nonconformist churches has often shown a tendency towards Congregationalism. This is easy to understand. Nonconformity began in revolt against hierarchical rule: it has taken many forms, but some of its most vigorous elements appealing, as all appeal, to the New Testament for

authority, have laid special stress upon the autonomy of individual congregations. Wherever this teaching is strong in the Free Churches there is an approximation to the 'independency' for which the Congregationalists stand. Their ideal combines a 'high' doctrine of the Church, shared with Presbyterianism, with a refusal to accept the strong centralizing authority characteristic of orthodox Presbyterianism. In actual working it naturally happens that there is wide variety in the forms of worship and the degrees of orthodoxy prevailing among Congregationalists There is, perhaps, no body of Christians among whom more lively discussion is proceeding about the true constituents of 'Catholicity' in doctrine and church government. On the one hand, it is held that a Congregational Church is an 'organized Christian community modelled upon the order of the primitive Church' with the offices, in particular, of minister, elder, and deacon: on the other, that this model is practically immaterial or may be adequately represented by any small company of Christians who claim autonomy. All Congregationalists give great scope to the laity: the extremists among them tend to exalt the authority of the 'Church meeting' to such a point that the minister, called by the congregation, is of little account, especially if he fails to please. Democracy sometimes runs riot. Or again, refusal to accept any credal statement as finally valid is sometimes stretched to cover a denial that there is any 'everlasting Gospel'. The rule of admission to the Church by baptism is sometimes broken: the second great sacrament is very diversely valued. There are 'county unions' and assemblies and a Congregational Union with its chairman annually elected, and its secretaries: there are nine 'Moderators' to guide and advise Congregational Churches within their districts, but none of these helps and authorities have yet brought organic unity, and the desire for such unity is no doubt not universally felt. The 'independence' of Congregationalism illustrates with particular clarity many of the questions which face all 'Reformed' churches.

The Baptists

The Baptists, a very numerous and widespread body, have in common with Congregationalists a disinclination to lay any great stress on the linking of their many local congregations, though the growth of the Baptist Union and the establishment of area superintendents illustrate the same need for common action and policy which we have noticed elsewhere. But though Baptists have always fought in the van for freedom, and are strongly democratic in temper, and though they lay little stress on creeds, they are commonly more 'conservative' in doctrine than the Free Churchmen with whom their principles of autonomy are shared. This is no doubt largely due to the fact to which they owe their name, their insistence on 'believers' baptism', that is on requiring individual profession of faith before the rite, infant baptism being thus excluded. In this insistence Baptists claim to follow the authority of the New Testament, and whether we agree or not with the conclusions they draw from the facts there recorded, there is no doubt that the facts themselves give them stable ground. This distinctive tenet, strongly held as it has always been, has given firm cohesion on one primary principle: it has given solidity to that other principle of the 'priesthood of all believers' upheld with especial tenacity by Baptists, and it has made it more difficult for them to join whole-heartedly in movements aiming at Christian re-union. For though they share, like so many other Free Churchmen, in the great Calvinistic tradition, they have historically stood apart on one fundamental dogma and in the past endured much persecution for their defence of it. If in one sense they stand on the left wing of the Free Churches, in another they are more clearly allied to early principles of evangelical doctrine. But there are divisions among them, and there are some Baptist communicants who have never been baptized.

The Presbyterian Churches

Calvinism, as we have said, has been profoundly influential in many directions upon the Free Churches (and, we may add, upon the Evangelicals in the Church of England) but its original church order and, to some degree, its discipline, are best seen in the Presbyterian Churches and, in Britain, in the established Church of Scotland. Scottish Church history is a deeply interesting though complicated subject. Here it can only be said that the Reformation swept over the more accessible parts of the country with peculiar violence, a violence largely explained by the deep corruption there of the medieval church, by political disorders, and by the dominating personality of John Knox, one of Calvin's most doughty disciples. From that time forward, through much strife without and many dissensions within, Presbyterianism has maintained a firm supremacy in Scotland. No country owes more to its national church. Scottish character, education, political life have been moulded by the vigour of a creed and an organization which throw much responsibility upon the laity and make high demands on the preachers of the Word. It has often been a learned Church, powerful and well-represented in the universities, demanding a long and thorough training of its ministers. Theological discussion and controversy have played a notable part in Scottish history: they often issued in the two centuries past in secessions, some of them deep and lasting. But these divisions were mainly due not to disagreement on matters of pure theology or discipline or church order, but on the relations of Church and State, always delicately balanced since Presbyterianism secured its establishment under the Act of Union with England. The Calvinistic system assigns great dignity to the State, but it demands complete spiritual independence for the Church, and jealousy for this independence has never died. After any threat to it was removed by the Church of Scotland Act (1921) reunion rapidly followed (1929): it includes far the larger part, though not the whole, of Scottish

Presbyterianism. Among Reformed Churches the Church of Scotland has now no strong rival in its own country, but the growth of Roman Catholicism on the one hand and of indifference on the other offer it a stimulating challenge. The Episcopal Church in Scotland is widely scattered and has seven dioceses covering the country. But its numbers are small, though in its remarkable history it has often made deep marks on Scottish life and it has been among the forces which have mellowed the once too-rigorous Puritanism of northern worship and church discipline.

The Presbyterian Churches, whether in Scotland, England, or Wales, tracing, as they do, the specific forms of their doctrine, government and discipline to the strong and systematizing hand of Calvin, present a less confusing picture than more loosely compacted communions. In doctrine there is doubtless much diversity of interpretation, but the seventeenth century Westminster Confession is the standard expression of that overwhelming emphasis on the supremacy of the Word of God which has given to those who are called to preach it so powerful an influence ; despite modern criticism and modern intolerance of long sermons, there is still more doctrinal rigour and more ordered eloquence in Presbyterian, and especially in Scottish pulpits, than elsewhere. In government and discipline the essential elements are the parity of ministers (for even the Moderator of the General Assembly in Scotland has but a superiority of honour and holds office only for a year), the sharing of their responsibility for the conduct of church affairs by lay elders, and the elaborate series of church courts, based in Scotland upon the Kirk Session, of each congregation, mounting up through the district Presbyteries, composed of a minister and elder from each Kirk Session, and the provincial synods, to culminate in the General Assembly over which the Moderator presides in the presence of the King's High Commissioner. In England and in Wales Presbyterian practice is essentially the same, and in the latter country the denomination is extremely

strong, for the Calvinistic Methodist Church there is in fact a Presbyterian Church and bears that title as an alternative. It, with the now disestablished Anglican Church in Wales, shares the main allegiance of the people. English Presbyterians are not very numerous: after their great days in the seventeenth century many of them became Unitarians or latitudinarian Anglicans, and the modern Presbyterian Church in England has owed much to Scotland and to Scotsmen who have taken the familiar road to England.

General Characteristics of the Churches in Britain

It would be impossible in short space to attempt a review of the many smaller denominations working in Britain. Here, as elsewhere, the Quakers, the Salvation Army, and many other bodies, call attention to some neglected or under-stressed aspect of Christian faith, or work among sections of the population comparatively untouched by the normal work of the Churches. But if our survey is to give the elements of a true picture of the activities and prospects of organized Christianity in Britain we must devote the pages that remain to an attempt at a more general estimate. All the Churches are working side by side, and on the whole in increasing harmony, within a strongly compacted national life: all are affected in greater or less degree by the same currents of thought and interest: all are face to face with rival interpretations of life or with that casual indifference characteristic of modern society. It is a fact, and an important one, that many of the most significant differences between the interpretations of Christianity in Britain are 'horizontal' rather than 'vertical': the lines of cleavage cut through each communion rather than sever each communion from its fellows. Anglicanism, for example, has long included an Anglo-Catholic element, vigorously sacramental in its teaching, elaborate in its forms of worship, insistent upon a traditional Church order, often powerfully influenced by Roman methods; an Evangelical

element, strongly tinged by Puritan tradition and often hardly distinguishable in its main lines of teaching and practice from the more 'orthodox' forms of Nonconformity; a Liberal or 'Broad' element, inevitably less patient of description which shall be brief as well as accurate, but aiming at the reconciliation of 'modern thought' and religion and inclining to stress the importance of the intelligence rather than the emotions. These distinctive points of view take their own peculiar character from their place in the Church of England, but they have parallels outside it. A strain of Liberalism appears in all the principal Churches, even sporadically and uncomfortably in the Roman; the evangelical temper is common; and nothing has been more remarkable in recent times among Free Churchmen than a growing interest in their 'Catholic' heritage, increasing study of the function and history of churchmanship, and a tendency to the use of more fixed and elaborate forms of prayer and worship. The Church of Scotland has moved far in this last direction: music and art contribute much to its services, while the new 'Book of Common Order' has enriched its liturgical wealth. It cannot be doubted that movements towards common action, and even corporate reunion, are furthered in some measure by these sympathies, which transcend denominational boundaries, though on the other hand, as within the Church of England, they sometimes bring hesitation and incoherence into the policy of a particular communion.

Reunion

But there are stronger impulses than these making for reunion. The experiences through which Christendom, in common with the rest of the world, has recently been passing have enforced the need for it: missionary enterprise is continually hampered by the lack of it: common study of the Christian faith has driven home the scandal of disunion. In the universities, scholars of all denominations learn from one another, engage in common

teaching, co-operate in literary work. The social barriers between the Churches are falling fast: in some parts of the country they have not disappeared, but everywhere they are weaker. Those who most clearly understand the immensity of the task facing Churches committed by their first principles to the work of evangelization understand also the obstacle to that work constituted by overlapping and rivalry, the waste of resources, the maldistribution of man-power. Yet these currents making for reunion are still formidably impeded, and it may be that the resistance is stronger than it was a few years ago. The reasons for this throw much light on the present ecclesiastical position and must therefore be shortly suggested here. There is a strong reaction, not only among Anglicans, against the theological liberalism of recent generations: it has been encouraged in some quarters by the influence of Karl Barth, in others by the renewed study of Thomism. The circumstances of our day have made for realism: definiteness of creed and order is felt to be essential in a world where anti-Christian theory and practice are expressed in rigorous and tyrannical forms: plans savouring of compromise are suspect. In the Church of England the Anglo-Catholics, strong and well-organized among the clergy, and prominent in the field of religious literature and journalism, insist upon the danger that closer approach to the Free Churches may endanger hopes of ultimate understanding with Roman Catholicism and the Orthodox Church. The controversy has largely centred upon the question of the Ministry and, in particular, upon the necessity and authority of the Episcopate. There is no reason to suppose that any considerable section of any party in the Church of England would abandon the episcopal system, particularly at a time when many of the non-episcopal Churches have increasingly recognized the value of some at least of its practical advantages by the appointment of superintendents or moderators. But there is every gradation of opinion among Anglicans about the precise meaning to be attached to the doctrine of 'apostolical succession' and about the degree

of authority belonging to the bishop's office. Some deny altogether the validity of a non-episcopally ordained ministry ; others would find little difficulty in coming to agreement with the more ' orthodox ' wing of Free Churchmen. On their side, Free Churchmen, sometimes reproached by Anglicans for the liberty, amounting almost to licence, which prevails in some denominations on matters of great importance in faith and order, can point to differences in Anglicanism nearly, if not quite, as wide, though to some extent disguised by the necessary acceptance of the Prayer Book and Articles : they can point with even more force to the fact that a high doctrine of episcopal authority is often accompanied by determined refusal to obey it, and they can hardly be expected to appreciate the subtleties of argument used to buttress that refusal. It is not unlikely that in the near future the debate will be less concerned with the single question of the Ministry and will move into the field of creeds and sacraments and the fundamental authority of Scripture : all these are interdependent and actual schemes of reunion such as that now under discussion for South India make it plain enough that agreement upon them cannot be easily reached. It is, in short, impossible to foretell the issue of the movement for reunion. But two concluding considerations are worth statement. On the one hand discussion, though necessarily controversial, is friendly, and proceeds on a basis of growing mutual knowledge and sympathy : on the other it has not yet aroused any great measure of interest in the minds of the mass of laity. If and when this interest is stirred there may be a change of temper : it may be doubted whether any large number of English laymen would think the uncertain dream of reunion with Rome an adequate reason for delaying closer negotiations with the Free Churches.

Co-operation and the Oecumenical Movement

Though reunion lingers, co-operation advances. The so-called Oecumenical Movement expressing itself in many organizations and conferences designed to facilitate common action by the Churches, co-operation in study, and continuous use of the utmost attainable degree of unity, has recently led to the creation of the British Council of Churches, representative of all the principal churches in Britain except the Roman, and working through departments and committees whose titles illustrate some of the special concerns of modern churchmanship: they are the departments of international friendship, social responsibility, Youth, Faith, and Order, with committees on Evangelism and on Chaplaincies among munition workers. Closely connected with, though not subordinate to the British Council of Churches, is the 'Christian Frontier Council', which now publishes *The Christian News Letter* and endeavours to work on and beyond the frontier of organized religion in the discussion and application of Christian standards to modern problems and in the study and direction of social forces for Christian ends. These are central developments. But all over the country, in Christian Social Councils, in Religion and Life weeks, in regular meetings of ministers of religion on an interdenominational footing, there is much similar conference and growing common action. Not the least valuable result of this is the discovery of the real difference as well as of the real agreement between those who meet and work together.

The subjects to which the British Council of Churches is to devote its principal attention indicate some of the special preoccupations of the Churches. They are likely as time goes on to bring considerable changes into the organization of church work. 'Structure' must attempt to respond to 'function', but the process is not always easy. The Church of England, for example, has for centuries been based on a parochial system admirably adapted (for it was almost a 'natural growth') to the

conditions of a time when populations were relatively stable, when people generally lived very near their work, when the predominant industry was agriculture and when other occupations and interests were neither so segregated nor so specialized as they have come to be. The parish priest with his parish church, generally the visible centre of parish life, could be, and often was, the spiritual leader of a definite local community: in many places yet comparatively untouched by the sweeping changes of recent generations he can be so still. Rural deans, archdeacons, and bishops, in their diocesan work, were almost wholly concerned with matters which fitted naturally into the parochial pattern. This is ceasing to be true in many parts of the country, above all in the great industrial districts, and in the large towns. Men and women often work some considerable distance from their homes: their interests and opinions are often moulded far more by those with whom they work, drawn from all sides, than by those in whose immediate neighbourhood they live. Even in the country, everyone is far more mobile: the once resident squire has often become an occasional visitor or has been replaced by a week-end occupier with no roots in the place. Industrial democracy, the advance of education, the decline of traditional beliefs and of traditional habits of regular worship, a score of other social and economic changes, call upon the Church for new enterprise, the testing of new methods, and new types of training. The Churches, in short, need more 'specialists' to supplement the general ministry: plans for the effective provision of these and meanwhile for such steps as can be taken to meet the most urgent needs of a society that is changing with extreme rapidity, are demanding a large share, but not yet a large enough, of the Churches' attention. In many ways the Free Churches, with in general a more elastic system, are here at some advantage, though it is not clear that they have been more far-seeing than Anglicans. The hopeful fact is that most of the great denominations have been conducting a critical review of their inadequacies, and in particular of their ministerial training;

it is notable that there is much similarity in the conclusions so far reached, and that among them are the recognition of the need at once for a more solid theological groundwork and for a more intimate acquaintance with the conditions which a truly theological view of the world must both interpret and seek to correct. Another need felt by all the Churches, especially in the light of the primary and overwhelming call for the re-evangelization of a population the larger part of which has no connexion whatever with organized religion, is that of more effective and instructed lay help from both sexes. The ordained ministry is neither so numerous nor so variously equipped as to be able to seize the opportunities offered to it ; yet it remains true that few, if any, of the Churches, and certainly not the Church of England, yet sufficiently use or sufficiently remunerate the services which can be rendered by the rapidly increasing class of educated women.

The Churches and the Future

This outline of the position of the Churches in Britain cannot attempt to do even bare justice to the work of those Churches overseas : the subject hardly falls within its range. Yet it should be said that concern for that work and its remarkable expansion exert an ever-increasing influence. The war has brought to the mission field hardship and hindrance which cannot easily be imagined, much less estimated. But it has called out fresh determination and revealed anew the fundamental unity of Christian work at home and abroad. It is coming to be generally understood that the call upon the home Churches has changed in character : it is now a call to partnership rather than dominance in the work of native Churches. Yet it must for long remain true that many key positions, especially in educational posts, will demand men from home. The need is all the greater that the home Churches should weigh their resources and distribute them where they can serve to the best advantage of Christendom as a whole. This is one among many circumstances which demand

not merely skilful tactics but a far-sighted strategy from Church leaders.

The whole future policy of the Churches towards educational and social change makes this demand in the highest degree. Denominational controversy about the religious education of children has often been hot in the past: the proposed improvement of our whole educational system must needs now arouse afresh a question which many have asked themselves earlier: have not the Churches concentrated far too exclusively upon primary education to the comparative neglect of later stages? The secondary schools, the training of teachers, adult education, call for far more enterprise in the cause of sound religion than has yet appeared. Nothing is more needed for the welfare of society in general than closer and better relations between the Churches and the teaching profession in its fullest range. Nothing, again, has become clearer than the supreme importance of social conditions and ideals as an educational force. The Churches have to consider how their influence can best be brought to bear upon society as it moves through a period of unparalleled disturbance. The medical profession in these days is often exhorted to think of the patient, not merely of his particular disease, of health and its conditions, not merely of detailed remedies. Similarly there has been vigorous protest in some recent ecclesiastical thought against a merely 'ambulance' activity on the part of the Churches. Their duty, it is argued, is not only or mainly to carry on the varied work which attempts to apply remedial treatment to those who fall by the way, though it is agreed that this work, a glory of the Church in the past, will not be unneeded in the future. It is rather to explore the fundamental requirements of a Christian society and to make constructive experiments for its realization. There is, of course, always the menacing danger that Churches will be the parasites of dominant social and political parties. The best protection against the danger is to be found in an active and continuing determination to discover the proper

application of Christian principles to human relations in society: the task has often been attempted in the past, but we have hardly yet begun to appreciate its magnitude in the present, still less to carry theory into practice. Yet increasing attention to the relations of Church, State, and society bears witness to healthy unrest in the Christian conscience.

The Churches believe that they are called to be 'lights of the world'. Their responsibility, then, is clear. But if the brief imperfect account here given has any truth it must be obvious that they do not yet in their own corporate life and relations achieve that unity of spirit which might indeed enlighten the world. Only a minority of the nation owns real allegiance to them, and of this minority but a small part looks beyond the limits of denominational or even of parochial concern. None the less there is ground for real encouragement in the fact that the Churches are even more critical of their own methods and machinery than their many critics from without. They are engaged in work which allows no room for self-content, and it may be that even a body so apparently incoherent as the Church of England may yet point the way to the better satisfaction of one supreme need of the world—the need that men of diverse traditions, sympathies, and temperament should in the last resort find what unites them stronger than what divides.

Printed by MERRITT & HATCHER, LTD., London and Greenwich.

OXFORD PAMPHLETS ON HOME AFFAIRS
No. H.9

BRITAIN'S HOUSING SHORTAGE

BY

M. BOWLEY

OXFORD UNIVERSITY PRESS
LONDON: HUMPHREY MILFORD
1944

Are there going to be enough houses to go round after the war? Are we going to replace, not only those houses which have been destroyed by air raids, but the countless thousands that are below modern standards of space and convenience? And, if so, what sort of new houses are going to be built? And how soon? These are the questions which we all want answered. The answers must, of course, be given by the Government, and several official reports which throw light on these matters have already appeared (see below). Here, in this Pamphlet, the nature and magnitude of the problems are set forth, so that the plain man may have some basis of factual information by which to test the official proposals as they are published. The present situation is compared with that at the end of the last war, and the success or failure of between-war policy is examined.

The proper solution of housing problems depends, of course, on the proper planning of towns, suburbs, and even villages, for families do not live in isolation but in communities. But the most elaborate town planning schemes will not, of themselves, build a single new house, and it is with the questions of building new houses—how many, for whom, at what price, through what organization, and how soon—that this Pamphlet is concerned.

Miss Bowley has been engaged for several years in the study of housing problems, and is the author of *Housing and the State, 1919-44* (Allen and Unwin, in the press).

BOOKS FOR FURTHER READING

The following Reports may be consulted :—

Report of the Royal Commission on the Distribution of the Industrial Population (Barlow Report), Jan. 1940. (Cmd. 6153.)

Report of the Committee on Land Utilisation in Rural Areas (Scott Report), August 1942. (Cmd. 6378.)

Report of the Expert Committee on Compensation and Betterment (Uthwatt Report), September 1942. (Cmd. 6386.)

Planning our New Homes. Report by the Scottish Housing Advisory Committee on the Design, Planning and Furnishing of New Houses, 1944.

Design of Dwellings. Report of the Design of Dwellings Sub-Committee of the Central Housing Advisory Committee (Dudley Report), 1944.

First published November 1944

Printed in Great Britain and Published by
THE OXFORD UNIVERSITY PRESS *Amen House E.C.*4
LONDON EDINBURGH GLASGOW NEW YORK TORONTO
MELBOURNE CAPETOWN BOMBAY CALCUTTA MADRAS
HUMPHREY MILFORD *Publisher to the University*

BRITAIN'S HOUSING SHORTAGE

Extent of the Post-War Shortage of Houses

For some years after the war of 1914-18 there were not nearly enough houses in Britain to go round. During that war the number of new houses built was too small to balance the increase in the number of families wanting houses, so that there was an accumulated shortage by the time it was over. In the first few years of peace the rate of building was too low to keep up with the continued increase in the number of families, so that no headway was made with overcoming the war shortage for some time. The explanation was simple. There had been a breakdown in the system of supply during the war of 1914-18 which it took a long time to repair. The building industry had been dislocated by the shortage of materials and the disappearance of the skilled men into the fighting services and the munitions factories. Still worse, apprentices had not been trained to take the places of the men who had been killed or disabled in the fighting, or of those who had, in the natural course of events, become too old for work or had died. Even after the Armistice increases in the skilled personnel were delayed for the first few years as agreement was not reached about plans to accelerate and extend training.

As everyone knows, the present war has led to a new shortage of houses. Building has not kept up with the increase in the number of families. This time, moreover,

houses have been damaged or destroyed by air raids, so that the number of houses available to live in has actually decreased. As soon as the war is over new houses will be needed to make good the lack of building during the war, and to replace the houses damaged beyond repair or entirely destroyed; in addition the arrears of repairs to other damaged houses, as well as the arrears of ordinary repairs, will have to be made up before the effects of the war are overcome.

The damage and destruction due to enemy action is easy to exaggerate. The houses which have to be replaced are not evenly spread throughout the country; forty per cent of the houses which had had 'first-aid' repairs up to early in 1944, for instance, were in Greater London. In some small districts most of the houses have been damaged or destroyed, in others none at all, or one here and there, or a single street or crescent. Even in the most heavily bombed towns most of the houses are still standing; they may be battered and dishevelled, but they still exist. The blitz has not been on a scale which necessitates rebuilding Britain. It can be patched up without radical alterations. A street, or group of streets, and a few city centres will have to be rebuilt altogether, but the towns of Britain will only be rebuilt if a deliberate decision to have a 'brave new world' is made. This will not happen as an inevitable result of Hitler's bombs.

The official figures show that, up to early in 1944, only just over 150,000 houses had been demolished by air-raids out of the total of about 11,000,000 in England and Wales at the beginning of the war, that is less than 1½ per cent.

Demolition of houses during the war has actually been less than the demolition which it was hoped that local authorities would carry out under their slum clearance schemes between 1939 and 1944, if there had been no war. About one in five houses in Great Britain, or about 2,750,000, have received 'first-aid' repairs, and nearly half of these have had more extensive repairs done to them as well. It is of course probable that further repairs to many of these houses will be needed, or desirable.[1] Rebuilding Britain as a whole will not then be the immediate post-war necessity. The most urgent problem will be to make good the shortage of houses, so we will try to estimate the total numbers needed.

Obviously at least 150,000 will be needed to replace the houses which have been destroyed. To this we must add sufficient houses to balance the increase in the number of families during the war years and the first few years of peace. According to an expert estimate about 300,000 houses would have been needed to balance the increase in the number of families between 1939 and 1942 if there had been no war. After 1942 the number of families would have increased more slowly, and about 125,000 houses would have been needed in 1943 and 1944. This gives us a total of 425,000 for the whole period 1939 to 1944. As private building did not stop entirely in the first year of the war, and as local authorities have built a few houses during the war, part of the total additional need for houses will have already been satisfied. Allowing for this, we may put the

[1] These figures do not include the results of the flying-bomb attacks, which have greatly increased the seriousness of the repair problem in London and Southern England.

net total of additional houses needed by 1944 at 275,000. Adding to this the 150,000 required to replace those which have been destroyed, we get a total of new houses needed to offset the effect of the war, if the European war ends in 1944, of just under half a million. It must be remembered, however, that while these houses are being built, the number of families will go on increasing (though more slowly than in the past), and that additional houses will be needed by them. It is probably safe to say that the new houses needed on all these counts by 1950 will be more than three quarters of a million, but less than one million.[2]

Remedies for the Shortage

What is the prospect of these houses being built in time, as well as the accumulation of repairs being overtaken ?

In the last six years before this war houses were being built at the rate of more than 300,000 a year, and for the six years 1933 to 1939 a total of 1,936,000 houses were built ; in addition, of course, the normal amount of repair work was done.[2] If, therefore, as much building capacity could be devoted to house building and repairs in the six years after this war as before it, nearly twice as many houses could be built as are needed to wipe out the shortage. Even allowing for the arrears of repairs needed to make good the

[1] No allowance has been made for war casualties, on the one hand, or immigration on the other.

[2] These estimates refer only to England and Wales. The official estimates for Scotland have been published in the Report of the Scottish Housing Advisory Committee, *Planning our New Homes*, June 1944. They are based on more complete information than those made above for England and Wales.

1,239 houses were completed. Even by March 1923, more than four years after the Armistice, only 154,000 houses had been finished. This time not only have we been assured by the Minister of Health that nearly all the land on which these houses are to be built has been acquired, but that labour will quickly be released to prepare the sites. It should be remembered, however, that even so there may not be enough building materials and labour to carry through the programme quickly, although the Government has promised that the supplies for ' houses for the people ' will receive a high priority. Optimism should be tempered also by the recollection that even in the most favourable conditions of the years of peace, the local authorities in England and Wales never completed 250,000 houses in a period as short as three years. Evidently the success of the programme to relieve the shortage will depend a great deal on the efficiency of the local authorities and of the Ministry of Health and on the pressure of public opinion. The houses will not be built quickly merely because plans have been made.

The Government has other strings to its bow however. It proposes to adopt a number of temporary expedients to relieve the immediate shortage. Hostels built for factory workers will where possible be converted into family dwellings, other temporary houses may be made out of camps. Most important of all, however, is the proposal to build half a million temporary pre-fabricated, or factory-made, houses. A sample steel factory-made house was shown in London in June 1944, and the Minister of Works and Buildings has declared that, if sufficient steel is made

available, they can be manufactured at a rate between a 100,000 and 130,000 a year from early in 1945 onwards. If this prophecy is fulfilled, about 400,000 would be available by the end of 1947 for Great Britain. But fulfilment depends upon adequate plans being made for obtaining the land on which to erect the houses, and for providing them with the essential services of drains, water, and roads, and calls even more obviously for administrative drive and efficiency by the local authorities than does the programme for permanent houses.

If all went well, however, with the schemes for both permanent and temporary houses, nearly 600,000 new houses would be available in England and Wales within the first three years of peace. This would be sufficient to relieve the shortage and to balance further increases in the numbers of families. Once this stage has been reached additional houses needed to balance further increases in the number of families, and permanent houses to replace gradually the temporary steel houses, should be a relatively simple matter. Three years of peace ought to provide sufficient breathing space for the building industry to get into working order again and for the production of building materials to expand, though the shortage of certain things, such as timber, may continue. The Government's training scheme to increase the number of skilled workers in the building industry should by the end of three years be yielding some results. There is another consideration which is perhaps not generally recognised in discussions of the post-war building problems. It will be quite unnecessary for the industry to re-expand to its pre-war size once the

shortage is over, merely for the purpose of building sufficient houses to keep pace with the increase in the number of families. Pre-fabrication methods of building, of course, may in the meantime become more popular so that there will be a demand for permanent houses made partly in the factories as the temporary steel houses will be made ; such a development would lessen the pressure on the ordinary building industry.

Another important question that must be settled if any scheme is going to be a success is, how the tenants for the new houses are to be selected. The steel houses are, we know, intended for small families, especially for the newly married. It has been promised, also, that subsidies will be available. But the experience of housing policy before this war, described in the next sections, shows that a clear decision is essential as to whether tenants are to be selected mainly on the basis of capacity to pay rent or mainly on the basis of need for accommodation. Unless this is settled in advance, it is unlikely that the subsidies will be of the right size or that the housing schemes will work smoothly.

Housing Problems between the Wars

At the end of three years of peace, if all goes well, the general housing situation may be so much easier that private building as well as building by local authorities may be possible ; the former would no doubt supplement official efforts mainly by the provision of houses for owner-occupation. It may, in fact, be practicable, about 1948, to start on more ambitious building programmes. Such pro-

grammes cannot be worked out, however, until it has been decided what new houses will be wanted in the long run. Everyone knows that during the twenty years between the wars, housing questions occupied a great deal of the attention of Parliament, the Ministry of Health, and the local authorities. This pre-occupation was not solely due to the shortage of houses caused by the war of 1914-18, there were other difficulties as well. It would be the height of foolishness to suppose that these have just disappeared during the present war. It will be useful to consider these old problems and the attempts made to deal with them.[1] We can then decide whether pre-war policy and programmes were successful and should be adopted again.

Building

Between 1919 and 1939 rather more than four million houses were built in England and Wales. This number just about equalled the total of all the houses in all the towns, villages, and hamlets in the counties of London, Middlesex, Essex, Warwick, Stafford, Lancaster, Durham and the West Riding of Yorkshire at the end of the last war! In the last three years of peace alone the number of houses built was greater than the number of houses in the county of London in 1931. By 1939 there was hardly a town without at least a frill of new houses,

[1] Scottish housing problems differed in some ways from those of England and Wales, and it has not been possible to include a description of them within the limits of this Pamphlet. It may generally be assumed that rather similar difficulties arose, but were even more serious.

while some had acquired immense suburbs. People had wanted new houses during these years and they had wanted, especially, small cheap houses. Private builders had provided the majority, about two thirds of the total.

It is probable that by 1939 there were more houses than families in England and Wales. If the houses had been shared out evenly, each family in the country could have had a house to itself and a small fraction of another house. Of course houses were not shared out in this way. A good number were empty because they were unsuitable for ordinary use, others were temporarily empty between tenancies. The four million new houses had, however, been sufficient, at least in theory, to make good the shortage of houses existing at the end of the war of 1914-18, to keep pace with the increase in the number of families between 1919 and 1939 and to replace a certain number of old houses which were pulled down, or converted to other uses. A sixth of the new houses were needed for the first purpose and about half for the second. The balance was available to replace old houses.[1] This is shown in Diagram I (inside front cover).

The mere fact that there were probably enough houses to go round in 1939 did not mean that there were enough *new* houses. Apart from the relatively few old houses which had disappeared between 1919 and 1939, all the houses

[1] Some of these apparently surplus houses may have been used up by the separation of families which before the war of 1914-18 had been obliged, through lack of accommodation, to share houses. For instance, under the slum clearance campaign of the last five years before this war, two or more families living originally in a slum house would be rehoused in separate houses, one for each family.

built before 1914 were still in existence and in use. Despite the four million new houses, two out of every three families were living in these pre-1914 houses. The great bulk of these had been built in the nineteenth century, that is to say, when fresh air and sunlight, gardens, bathrooms, and hot water were regarded as the prerogative of the relatively well-to-do families. Hence the endless mean shabby streets of cramped little houses in our industrial towns. These streets and houses are almost as inconvenient and unpleasant as they look. Of course some are better than others. There are the slightly bigger and better houses of the more prosperous artisans and clerks and shopkeepers. But they, too, are thoroughly inconvenient by modern standards. Even the big nineteenth-century houses are difficult and expensive to run since domestic servants ceased to be cheap, plentiful, and uncomplaining. Those big houses which have come down in the world are perhaps the worst of all. They have been converted, or partly converted, into unsatisfactory tenements, or, worse still, are used by several families without any attempt at conversion.

There is no getting away from the fact that the majority of people in England and Wales (and this is even more true in Scotland) are living in houses nearly as uncomfortable and out of date as the clothes and customs of their grandparents and great grandparents. There may have been enough houses in 1939 in terms of arithmetic, but there were certainly not enough modern houses. The horrible legacy of the nineteenth-century towns is still with us, and at present no decision has been taken to deal with it. Even the campaigns for abolishing slums and overcrowding in the

'thirties only touched the fringe of the problem, for they dealt only with the very worst housing conditions.

The Shortage of Houses to let, 1919-1939.

We have seen that by 1939 there were still only a limited number of new houses available. Which families succeeded in getting them ? Obviously some had a much better chance than others. Anyone who could afford to buy a new house outright, or through a building society, could go to a builder and tell him to build a house, if he could not buy an existing one. Builders, being shrewd, built largely in anticipation of these demands, so that often new houses were ready and waiting to be sold to the first comer. On the other hand, anyone who could not afford to buy had to depend on someone else being willing to buy a new house and let it to him, a much more roundabout way. The majority of families were in this position. It has been estimated that rather more than one in three families were able to buy their own houses, somehow or other. The rest, that is nearly two out of every three families, were dependent on finding houses to let.

In these circumstances it might have been expected that most of the houses would have been built for letting, but instead, most of the houses were built for sale. More than half, nearly two thirds, of the new houses were built for and bought by owner-occupiers, generally through the building societies. By the time Hitler marched into Poland so many houses had been built for sale that there were enough new houses for the majority of families in the

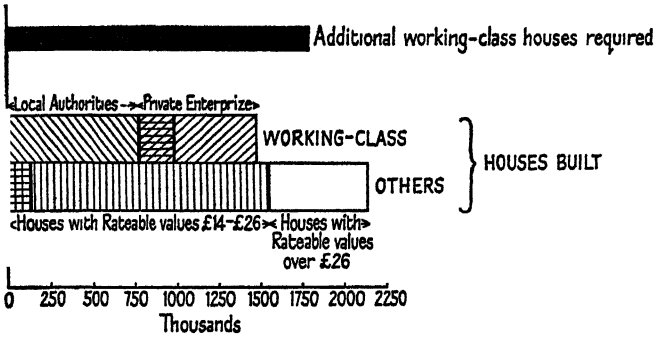
country who could afford to buy, and the demand for new houses to buy had begun to slacken. The families who moved into these new houses were either new families, young people setting up house for the first time, or families who abandoned their old-fashioned rented houses in favour of the new. It was not only the newly-married couples who chose the new houses, the middle-aged and even the elderly joined in the great exodus to the heaven of modern suburbia.

For all the other families in the country, the families who could not afford to buy, there were only enough new houses for one in every seven or eight. This group included the families of the ordinary unskilled and semi-skilled working men. Most of the new houses to let had been built by the local authorities, who had provided just over one million, including those used for rehousing families under slum clearance and de-crowding schemes. The number of houses built by private enterprise for letting was small, and of these only about a quarter were of the ordinary working-class size.

There is no question that the additional supply of new houses to let, especially small cheap houses, was inadequate. It was not even sufficient, as Diagram II (p.17) shows, to keep pace with the increase in numbers of working-class families between 1919 and 1939, much less to make good the shortage outstanding after the war of 1914-18 as well. If it had not been that so many families who could afford to buy houses decided to move into modern houses, leaving their old rented houses empty for other less fortunate families, the situation would have been much worse than it was. Owing to this more or less unexpected development

it is perhaps possible to assert that in 1939 there were as many houses available for letting as families needing to rent houses. Such a statement is, by itself, misleading. It makes no allowance for houses necessarily vacant between tenancies, or for the need for a pool of empty houses from which prospective tenants could select those suited to their needs. Many of the old houses abandoned by families buying new ones were unsuited to the needs of the families trying to rent houses; some were too big, some too expensive, others in unsuitable districts. Houses, like clothes, must fit the people who want to use them. It is certain that if allowance is made for these considerations, there was a shortage of suitable houses to let in 1939, and in consequence many families living in old houses just above the slum level were unable to move into better ones. They were obliged to live in conditions of discomfort, inconvenience, and squalor such as to make the preservation of health and cleanliness difficult or impossible.

The housing problem, or rather problems, were thus not solved merely by the provision of sufficient new houses to make the number of houses about the same as the number of families. So simple a remedy could not be effective, for the number of new houses needed naturally depended on the state of the old houses already in existence as well as on the increase in the number of families. Moreover the provision of new houses, irrespective of the type of families needing them, could not solve all the problems, for the sizes of the families, the places where they have to work, and what they can afford to pay for their houses must be taken into account



Additional working-class houses required 1919-39 (a)

Working-class houses built 1919-39 by Local Authorities to let (b)

" " " " " " " Private Enterprise (c)

" " " " " " " " " to let (d)

Other houses built (Private Enterprise) 1919-39 Rateable values £14-£26 (e)

" " " " " " " " " " " to let (d)

" " " " " " " " " over £26 (f)

WORKING-CLASS HOUSES AND NON-WORKING-CLASS HOUSES BUILT IN ENGLAND AND WALES 1919-1939

(a) Estimated.

(b) Excluding houses built for replacement of slums.

(c) Houses with rateable values up to £13 (£20 in Metropolitan Police District); partially estimated owing to incompleteness of official figures.

(d) Complete information only available after 1934 but it is known that few small houses were built for letting by private enterprise before 1934. The diagram shows only those known as built for letting.

(e) Houses with rateable values in Metropolitan Police district £21–£35. See note (c) above.

(f) Houses with rateable values in Metropolitan Police district over £36. See note (c) above.

also. New houses must fit the families who need them, otherwise all sorts of troubles will develop.

Need for a Planned Rent Policy

The ill effects of the shortage of houses to let between 1919 and 1939 were not limited to the injury to the health, comfort, and convenience of large numbers of families. The shortage led indirectly to all sorts of difficulties and injustices over rents, for the rents of small houses were settled on no uniform principle, economic, social, or moral. The rents of the majority of working-class houses built before 1919 were still controlled at the outbreak of the present war by the Rent Restriction Acts, though some of them had been freed from control ; the rents of the houses built after 1919 were not controlled, however, until the outbreak of the present war. Of these new houses, those in private ownership were usually let at the highest rents that could be obtained. The rents of those belonging to the local authorities were nominally settled according to broad principles laid down by the Housing Acts, but in practice the local authorities were free to interpret those principles much as they liked and therefore each decided its rent system on its own. Lower rents might be charged for some of a local authority's houses than for others either because they had cost less to build, or because they were given a larger share of the subsidies than the others. Alternatively the authority might charge the same rent for all houses of a particular type. There was in general a tendency to select tenants on the basis of their ability to pay. It was only in

the case of the houses built under the slum clearance and de-crowding schemes that the opposite principle, that of selecting tenants according to their need for new houses and adjusting rents to their capacity to pay, was accepted at all generally.

The confused and haphazard rent system which grew up in this way between 1919 and 1939 would not, perhaps, have been a drawback if there had been more houses to let. If people had had plenty of opportunity of choosing which house at which particular rent they would live in, they would have been able to select those with rents they could afford. Alternatively, if the houses with controlled rents, or the bulk of the local authority houses, which were nearly all subsidised, had been reserved for the poorer families, the rent system, despite its apparent confusion, might have worked out reasonably. But both in theory and practice it worked, as it still does, just like a lucky dip. Different rents might be paid for old houses of the same type, size, and age in the same place, merely because some were controlled and some decontrolled, or, in the case of new houses, because some were owned by local authorities and some by private enterprise. There was no method of ensuring that the houses with the highest rents were occupied by the families which could afford to pay them most easily.[1]

Effects of the Shortage on the Mobility of Labour

The inadequacy of arrangements for the provision of new houses to let influenced both the location of industry

[1] Sir William Beveridge's report on *Social Insurance and Allied Services*, Cmd. 6404, contains a great deal of information on this subject. See especially pp. 81 *et seq.*

and the mobility of labour. It strengthened the attraction of the larger towns for new industries and factories, for if a firm built a factory in the open country, in a village, or even in a small town it would find the local supply of labour insufficient. It would be impossible to get additional labour from elsewhere unless there were suitable houses to let available for the new workers. It was improbable, in the circumstances of the pre-war years, that the new houses would be provided unless the firm had sufficient capital to pay for them itself. New factories, therefore, had to be built on the outskirts of the larger towns where there were already reserves of labour.

This was not the only disadvantage of the inadequacy of the system. The new industries were established mainly in the south of England and the Midlands. If the people in the depressed areas of the north of England, South Wales, and Scotland were to take advantage of the employment the new industries offered they would have had to move into these prosperous areas. The knowledge that the new factories had not been balanced by new houses to let inevitably discouraged them, for people who had been out of work a long time did not have reserves of money hidden away with which to buy new houses. The lack of new houses to let added to the difficulties of attempts to improve the mobility of labour and to help people to escape from the misery of permanent or semi-permanent unemployment.

It is practically certain that it had other ill effects for other people too. Among those families who solved their individual housing problems by buying new houses

there were a considerable number who could ill afford to do so. Some families sank their extremely limited reserves of savings in new houses in order to have tolerable places in which to live. There were others who in desperation started to buy new houses without foreseeing the expenses of upkeep and repairs. There were probably still more who bought jerry-built houses because they knew nothing about the technical side of building and had no one to advise them ; they found sooner or later that they had to spend large and unexpected sums on major repairs. Some families too have been unable to take advantage of opportunities of good jobs because they have been tied to the particular places where they were buying or had bought houses.

From whatever aspect the housing difficulties between 1919 and 1939 are considered the shortage of houses to let dominates the situation ; in the last resort that means the inefficiency of the system for providing houses to let to ordinary working-class families. There is every reason to suppose that similar problems will dominate the housing situation after this war.

The Purpose of Housing Policy, 1919-1939

The housing difficulties described were the result of a combination of policy and chance. Immediately after the war of 1914-18 it had been decided that the Government must take responsibility for providing working-class houses to let. At that time there seemed no prospect of private enterprise doing so, and the shortage was acute. The local

authorities were therefore made responsible for building sufficient houses to make good the gaps in the supply of small houses. Subsidies were provided by the Treasury and from the rates to counteract what was regarded as the abnormally high cost of building, and it was intended that the new houses should be let at rents as far as possible within the reach of ordinary working-class families. The new houses were to be on the whole larger than the old, to have bathrooms, and to be built so that there were not more than twelve houses to an acre ; in general a new and much higher standard was to be achieved.

These arrangements did not work according to plan, despite so-called improvements in the subsidy scheme. The local authorities failed to build fast enough and the rents charged were too high for many working-class families when rates were included. Their houses were little more than a patch sufficient to make good part of the deficiency in the supply of houses. The local authorities claimed from time to time up to 1933 that the subsidies available were too small. The Government on the other hand argued, particularly between 1929 and 1933, that the local authorities had not worked out suitable systems of varying rents according to the ability of potential tenants to pay. By 1931 there was general dissatisfaction with the subsidy system and it seemed clear that it had failed to stimulate the provision of enough houses at suitable rents. The economy campaign provoked by the financial crisis of 1931 brought it to an end. It was decided that the policy of building an indefinite number of subsidised houses was both extravagant and unnecessary, particularly in view of

the fall in the rate of interest. The housing subsidy for new working-class houses in general was repealed in 1933.

From 1933 to 1939 housing policy ran on quite different lines. The avowed purpose was to abolish slums and overcrowding. The gaps in the supply of houses were to be filled from the bottom instead of from the top. Subsidies for re-housing families living in slums were already available under the Greenwood Act of 1930. In 1933 a five-year programme was introduced for the abolition of the slums with the aid of this subsidy and in 1935 a special subsidy was provided to help to re-house overcrowded families. A five-year programme to abolish overcrowding was to be started in 1938-39. For the future the state, acting through the local authorities, made itself responsible for preventing people from living under the worst sort of housing conditions in 'houses unfit for human habitation' or seriously overcrowded. For this purpose subsidies would be available from the Treasury, but none for houses for the general needs of the community, except those for agricultural workers. The local authorities and private enterprise could build ordinary working-class houses to let without any subsidy, but the state as such abandoned practical responsibility.

Neither the local authorities nor private enterprise did in fact do this on a large scale. The local authorities were being advised to concentrate on slum clearance. Private enterprise was not attracted by the prospect of investing in this type of property, and concentrated on building houses for those who could afford to buy, or to pay high rents. The migration from older houses into new houses bought by their occupiers continued, and the number of

additional new small houses built to let dwindled to an insignificant fraction of the total amount of new building. Slum clearance also turned out to be a disappointment to the general public. The fact that the Ministry of Health and the local authorities held quite different ideas from those of the general public on the definition of slums and overcrowding, became clear only by degrees. According to the official view, 'slums' meant houses which were 'unfit for human habitation', that is, obviously injurious to health. It did not include dreary, inconvenient houses in which the chances of really good health and a tolerably comfortable life were negligible. All the officially defined slums could be cleared away and nearly all the nineteenth century houses would remain. Under the slum-clearance programme, the towns were not to be rebuilt, as the optimists had at first hoped. Similarly, the official definition of overcrowding took no account of the popular belief that a family needed a house to itself, but was based almost entirely on the number of people per room in each house, irrespective of the number of separate families. The new policy was one of strictly limited state liability—the state was only responsible in practice for preventing the very worst housing conditions.

This policy meant the indefinite acceptance of a double standard of housing. On the one hand any new houses built had to conform to modern requirements as to the number of persons per room, equipment, bathrooms, and density per acre. These standards were far above those prevailing before 1914. When houses were built to replace the slums they conformed to these new standards. The continued existence of housing conditions only just above

the official standards of overcrowding or 'unfitness for human habitation' was, however, to be tolerated. Most of the families living in small houses in England and Wales fall between the two standards, and these were ignored under the housing policy of the six years before the present war. If private enterprise or local authorities did not provide new houses for this enormous section of the population, who could not afford to buy houses, no provision at all would be made. This was the great gap in the system. The fact that the system was introduced immediately following a period in which there had been, though unintentionally, a serious failure to provide houses for just this group of families on a sufficient scale, explains the continued existence, of the shortage of ordinary working-class houses to let.

Officially, however, the new housing policy was regarded as a success. The original slum clearance programmes were almost completed by 1939. Just under 300,000 slum houses had been demolished and over a million individuals re-housed. The total number of new houses built each year had increased to over 300,000, and remained at this high level almost until the outbreak of war. After all it was true that four million houses had been built between 1919 and 1939. Overcrowding, too, had been reduced by more than a quarter, partly as a result of the re-housing of families from the slums, many of whom had been overcrowded, partly by the reservation of the larger local authority houses for the larger families. In the process, moreover, an important lesson had been learnt, namely that the local authorities had concentrated too exclusively on the provision of three-bedroom houses and that in consequence

many of their houses were overcrowded, while others were too large for the families living in them. If overcrowding was to be abolished, the sizes of new houses would have to be varied to match the variations in the sizes of families.

On the whole the official view of the success of housing policy after 1933 was accepted by the public. Inertia about housing questions was widespread, and there was a general lack of interest in the problems of the large-scale replacement of old houses and the maintenance of a constant stream of new houses to let. Also, there was little enthusiasm for the tasks of working out the problems of organization and finance involved in creating a more ambitious policy. The existence of vested interests in existing small houses helped, consciously and unconsciously, to preserve the inertia. An active policy of building more and more small houses to let would have been highly injurious to the owners of the existing small ones. Some would have had their houses cleared away ; others would have been faced with having large numbers of unlettable houses on their hands and lower rents for those they could let, for the demand for old working-class houses would disappear as people moved into new houses. These troubles had already befallen the owners of the larger old-fashioned houses. It was too much to expect owners of working-class houses to welcome them in their turn, or not to try to convince other people that more small houses were unnecessary. There was also a fairly general conviction that, for some reason not properly understood, the local authorities were incapable of building houses on a large enough scale to do more than carry out the official slum-clearance programme. The public had a

sufficiently sensitive conscience about the worst slums to choose official plans for slum clearance rather than building for general purposes, if the choice had to be made.

Financial Aspects of Housing Policy

In addition to the lack of interest in housing questions, and the belief that it was probably impossible for more to be done, financial considerations helped to gain support for the 'limited liability' policy of the 'thirties. It was argued, during the great economy campaign of 1931 to 1933, that a subsidy for encouraging the general provision of working-class houses to let was more than the country could afford, and that in any case it was extravagant and unnecessary. Actually the annual burden of the housing subsidies was relatively very small ; the Treasury contribution, of just over £13,000,000 a year in 1933, was equivalent to barely 6 per cent of the yield of income tax ; to build another million houses at the same rate of subsidy as in 1933 would have added only another £6,000,000 a year. The annual burden on the rates was at that time still smaller, less than £4,000,000, and accounted for a mere 2 per cent of the total rate expenditure compared with about 27 per cent each for education and for public health services. Housing was the Cinderella of the social services. The reason for the importance attached to the cost of the housing subsidies was not the magnitude of that cost, so much as a widespread lack of appreciation of the reasons why working-class houses cost so much, or why subsidies were needed. The idea of the provision of houses as a

social service such as education, for example, had not really been accepted.

The effective cost of renting a house is made up of two separate kinds of payment: (1) payment for the use of the house, the net rent, and (2) payment of rates. These two, added together, make up what is called the gross rent. Rates are local taxes which have to be paid by anyone occupying a house, whether as tenant or owner. They are just as much taxes on the use of a house as the tobacco duty is a tax on the use or consumption of tobacco. The fact that they are levied, collected, and spent by local authorities instead of by the central Government does not alter this. They are used to pay for part of the expenses of local government and for part of the public services such as schools, clinics, and roads, provided by the local authorities.

These taxes on the use of houses are very substantial. They accounted on the average for about one third of the average gross rent of 10*s.* a week paid by urban working-class families, that is to say 3*s.* 4*d.* a week, or £8 10*s.* a year. On the other hand the general housing subsidy for houses built by local authorities between 1927 and 1934 was £10 a year. The comparison suggests that the subsidy was in part a roundabout way of giving certain groups of families rebates of rates. This in fact was true. It has just been explained that the effective cost of renting a house is made up of the net rent plus the rates. It is clear therefore that the difficulty of bringing good houses within the reach of ordinary working-class families was partly due to the cost of building and the rate of interest payable on the capital invested in the houses, recoverable as rent, and partly due

to the cost of local government and of the social services, paid for out of the rates. The size of the subsidy needed depended on both these items. This can be illustrated by the situation in 1933. It was possible at that time to build, outside the centres of the largest towns, large numbers of working-class houses which could be let at an average unsubsidised net rent of 8*s*. a week. A subsidy of £2 12*s*. a year would have reduced this to 7*s*. a week, a figure within the reach of the great majority of working-class families. But when these rents were increased by 3*s*. or 4*s*. by the imposition of rates, they were *not* within the reach of nearly so many families, and a further subsidy would have been needed to make them so.

It is not surprising that this technical difficulty connected with rates should not be generally understood. But it is surprising that so many people fail to see why the economic rents (without rates) of the new local authority houses should be above those of the small houses built before 1914 controlled by the Rent Restriction Acts. For the new houses built were of a much higher standard than the old. They were bigger and better equipped, and not more than 12 houses were built to the acre, and therefore they needed more materials, labour, and land. Higher standards in any field can only be obtained either by technical progress or by spending more. New methods of building were not introduced, and therefore the new houses were more expensive to build than the old. It is worth remembering in this connexion that house building was still in general an old-fashioned affair of handicrafts ; the bricks were laid by hand, the plaster and paint put on by hand, and even a

great deal of the woodwork often prepared without machinery. In addition wages in the building industry, the prices of materials and the rate of interest were all much higher than before the war. It was mainly owing to the gradual fall in all these items that by 1933 it was possible to build houses to let at rents of 8*s*. and cover all costs without a subsidy. Even in 1933 these costs were higher than before the war of 1914-18, but were no longer seriously out of line with money incomes and prices.

The failure to understand the financial issues, combined with inertia and lack of interest, resulted in acceptance of a housing policy during the twenty years after the Armistice which was a policy of patching the supply of houses in the cheapest possible way. This policy was the responsibility of the successive Parliaments which passed the Housing Acts, or, in other words, of the ordinary men and women who elected the members of the House of Commons.

The Choice of a Long-term Housing Policy

After this war the policy of the last few pre-war years can be revived or a bolder one can be tried. An attempt can be made to bring the housing conditions of all families in the country up to modern standards, by replacing all the substandard houses which were ignored by the pre-war policy, and completing the abolition of overcrowding. Such a policy would naturally be combined with measures to maintain a supply of additional houses large enough to balance any increase in the number of families.

It is generally agreed that there are between three and four million working-class houses in England and Wales

which fall below modern standards, including those earmarked for demolition under slum clearance schemes. Replacement of these would mean building about four million new houses. This is about the same number of houses as were built between 1919 and 1939, but instead of being added to those already existing they would replace old houses pulled down gradually according to a definite plan. The amount of new building needed for replacement would not therefore be at all out of line with pre-war building efforts.

Nevertheless the adoption of a replacement policy would necessitate finding solutions for a number of difficult questions. Those connected with the acquisition of land and of the old houses for demolition have attracted a great deal of attention since the publication of the Uthwatt Report. There are other questions which the experience of pre-war years has shown to be of vital importance. For instance it must be decided in advance for whom the new houses would be intended: whether the occupiers would be selected on the basis of their need for accommodation, or of their capacity to pay for it, either by renting or by purchasing. Once this had been settled an appropriate rent and subsidy policy would have to be worked out. The cost of the subsidies would have to be estimated, and to get a clear financial picture the separate elements which made the subsidy necessary, *e.g.*, building costs, local rates, &c. would need to be distinguished. Questions of organization would also need attention. For instance, the question of whether it would be reasonable to expect local authorities to carry through the policy; what part would be played by

private enterprise ; whether new organizations would needed.

These are all difficult questions, and they by no means exhaust the list of those to be settled before a general replacement policy could be adopted. Before a decision on long-term policy is made, the possibility of finding solutions to the complex problems involved in a policy more ambitious than that of the pre-war period must be explored and discussed. Although concentration on the problems of the immediate post-war shortage is, of course, necessary and inevitable at present, serious discussion of the long-term issues is already overdue.